JUNE 1970

The Washington Monthly

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"If you find the son of a bitch responsible for not letting Hickel see the President, I want you to fire him."

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The Washington Monthly VOLUME TWO NUMBER FOUR JUNE 1970

LETTERS		4
The Cover		5
Whitewashing Detroit's Dirty Engine *by John Wicklein*	The White House: "We know the industry's lying. And they know we know, and we know they know we know...." But do anything? No.	10
The Great Helium Bubble *by John H. Rothchild*	Lots of resources need saving. Not helium. That's what we're saving.	22
The Great Wind Machine *by Bruce J. Oudes*	One way to lower our voices: Abolish the U.S. Information Agency.	30
Whatever Happened to OEO? **Research Now, Action Later** *by Mark R. Arnold*	Under the new Administration, the anti-poverty effort is conceived as a testing ground—with somewhat unusual objectives. The programs that work, it seems, are the ones to be weeded out—*viz.*, with a bow to the Justice Department, the case of Legal Services, the most effective of all.	41
The Plot Against Law Reform *by Clark Holmes*		50
Politics in the Peace Corps	Censored.	60
Obstacles to Reforming Congress: **Nobody Covers the House** *by Michael Green*	If the press showed the warts and the smiles on the Representatives' faces, the public might learn enough to pitch in on the struggle for reform. In that struggle, the key votes are held by organization Democrats from the North—and they've been passing for liberals for years.	62
The Machine Democrats *by Norman C. Miller*		70
MEMO OF THE MONTH	The earliest possible moment.	74
THE CULTURE OF BUREAUCRACY: **Mores of Protest** *by Peter Gall*	Voice and exit at HEW: How they told Nixon they didn't like the firing of Leon Panetta.	75
THE POLITICAL PUZZLE		84

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Letters

More on Nuremberg

In the space of five months, Townsend Hoopes, former Deputy Under Secretary of the Air Force, former hawk, current dove and tortured soul, has given us two remarkable documents.

In his book, *The Limits of Intervention*, he has written a hidden history of a portion of the Vietnamese war and told us how his former colleagues and bosses in the government brought the most powerful country in the world to the brink of chaos and one of the least powerful to the brink of total destruction.

In his article ["The Nuremberg Suggestion," January, 1970], provoked by an obviously traumatic lunch with two members of a younger generation, Geoffrey Cowan and Judith Coburn, he has argued that no good purpose would be served by seeking to place responsibility on any particular individuals for the mind-boggling events described in his book.

Since Mr. Hoopes suggests that the generation gap is largely responsible for the difference between his approach to American war crimes and that of his youthful luncheon companions, it may be useful for a short-haired member of Mr. Hoopes's own generation to examine the extremely serious questions raised by his argument with his young friends.

Mr. Hoopes's thesis can be summed up as follows:

In the book: The Vietnam war is "the probable high watermark of America's total impulse to political-military intervention in the period following the Second World War." As the war wore on, President Johnson's policy advisers divided ever more sharply into those calling for an intensification of the military effort and those, like Hoopes himself, who believed a military victory was "unfeasible" and therefore advocated deescalation and a negotiated settlement. Eventually, a combination of military and political factors led Johnson to side with the second group.

In the article: None of this has anything to do with moral or legal considerations. America's role in Vietnam is "clearly legal." Even the hawks were and are not "evil men" like the Nazis. They simply didn't use very good judgment. The problem now is to convert hawks in policy-making positions into doves, and, in this connection, "The Nuremberg Suggestion" (i.e., that they are or were war criminals) is counterproductive and should therefore be dropped.

Haskell Wexler, the producer-director of "Medium Cool,"has pointed out that, in the old days, you could always tell the bad guys in the movies the minute they made their entrance, but nowadays what turns out to be the heavy may start out looking like the Madison Avenue man in the next office or the little old lady next door.

And so it is with politicians and government officials. Here is this nice man, peering intently at us from the back cover of *The Limits of Intervention*, his handkerchief impeccably in place, his hand thoughtfully supporting his chin, and his Andover-Yale credentials spread out underneath his picture. And inside the book, not more than 10 pages away, one of the most closely reasoned arguments for total withdrawal to come off the presses in years! The suggestion that such a man, or others like him, can be war criminals, must surely be the product of a half-crazed, now-generation mind.

Or must it?

Running throughout Mr. Hoopes's article is the curious thesis that only evil, i.e., morally reprehensible persons, can be criminals. But this, surely, is a highly novel definition of criminals. A much more common one is that a criminal is a person who commits a crime and a crime is the violation of a law binding upon the violator. Whether the story of Vietnam is, as Mr. Hoopes suggests, a tragic story, rather than "a tale of malevolent men bent upon conquest for personal gain or imperial glory," whether

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Lyndon Johnson was or was not "in his worst moments an evil man in the Hitlerian sense," whether the men responsible for the initiation and prosecution of the Vietnam war were "deliberate criminals," these are questions for psychologists and historians, not for lawyers.

A thief does not have to be proved a depraved person to be convicted; the simple act of theft is enough. Murder is still murder, whether committed by a bloodthirsty killer or a Milquetoast. Indeed, church deacons have been known to go to jail for price-fixing and thousands of "idealistic" young men and women for burning their draft cards, chaining themselves to federal buildings, sitting in at welfare offices and other crimes of conscience.

"What the country needs," Mr. Hoopes writes, "is not retribution but therapy." The country surely does need therapy, although considering the enormity of the death and destruction which it is inflicting—perhaps with the best of intentions—on its victims at home and abroad, the strait jacket and the tranquilizer seem more indicated than the couch at this particularly violent stage of our national madness. As for retribution, no intelligent person any longer believes in this as an effective way of fighting crime, nor is there any suggestion of a call for retribution in the article by Miss Coburn and Mr. Cowan.

But all of this avoids the central question. Are the men who order intensive bombing raids on civilian targets as a way of "forcing the enemy to the negotiating table," who continue to sanction the employment of defoliants on a massive scale long after their teratogenetic effects have become known, who devise schemes for pacification by assassination and who keep inventing new linguistic labels for "search and destroy" missions while maintaining the basic policy of killing everything in sight in certain designated areas, in the face of the specific prohibitions of the Hague and Geneva Conventions, are these men criminals or not?

As a former armed forces official, as someone who evidently has been thinking a lot about war crimes lately, Mr. Hoopes must be aware of the existence of the Hague and Geneva Conventions. He must know for example (or, if he does not actually know, he ought to know) that under Article 23 of the Regulations Respecting the Laws and Customs of War on Land, an Annex to the Fourth Hague Convention "it is especially forbidden . . . (b) to kill treacherously individuals belonging to the hostile nation or army, . . .(e) to employ arms, projectiles, or material calculated to cause unnecessary suffering"; that Article 25 of the

THE COVER

The quotations are from a story by E. W. Kenworthy in the May 8, 1970, issue of *The New York Times.* The first, by a White House assistant, is typical of the paranoia that our culture has produced in its rulers. It could just as easily have been said by a Johnson assistant. The reply, by Pat Ryan of Secretary Hickel's staff, is typical of a healthy rebellion in favor of openness that is now going on within the federal establishment. For more on this rebellion, see "Mores of Protest" by Peter Gall, beginning on page 75 of this issue. Mr. Gall's article is one of a continuing series in which *The Washington Monthly* is exploring the same theme. In one such article I said:

> This government needs more men who are psychologically ready to resign—who, when vital issues are at stake, will stand up to their superiors and fight to the point of losing their jobs. Of all the wrong decisions I have seen made in government, wrong ideas and information have played no greater role than the failure of the men with the right ideas and information to press their case courageously.
>
> In two articles in the first issue of this magazine, we talked about the need for the government administrator, be he President or bureau chief, to be zealous in reaching down into the bureaucracy for the information and ideas that don't get through the regular chain of command. Much of what we are talking about here is the need for the subordinate to take risks to make sure that the administrator is confronted with that information and those ideas.

Walter Hickel took precisely that risk and we applaud him.

CHARLES PETERS
Editor

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same Regulations provides that "the attack or bombardment, by whatever means, of towns, villages, or dwellings which are undefended is prohibited"; that, according to Article 3 (1) of the articles common to all the Geneva Conventions, "persons taking no active part in the hostilities . . . shall in all circumstances be treated humanely"; that, under Article 49 of the Geneva Conventions Relative to the Protection of Civilian Persons in Time of War, "individual or mass forcible transfers . . . from occupied territory to the territory of the Occupying Power or to that of any other country . . . are prohibited, regardless of their motive"; that, Article 13 of the Geneva Convention Relative to the Treatment of Prisoners of War seeks to ensure that "prisoners of war must at all times be humanely treated" and that all of these principles have been blatantly violated in Vietnam on a daily basis, by the Armed Forces and other agencies of the United States, before, during and after Mr. Hoopes's tenure in the Department of Defense.

He must know, in addition, that these conventions, having been ratified by the United States government, have the force of law with respect to American citizens, and have been incorporated in *The Law of Land Warfare* promulgated by the Department of the Army and in the Nuremberg Principles formulated by the United Nations with the active and approving participation of the U.S. Delegation.

What, then, is Mr. Hoopes saying about the laws of war, as applied to American conduct in Vietnam? Two things, it seems. First, as already indicated above, that an effort to expose American war criminals would be counterproductive from a psycho-political point of view. And second, that it would be impossible to do so even if the intention were present, because they could be tried only by a war crimes tribunal, which would require "some celestial sponsor."

On this latter point, Mr. Hoopes is clearly wrong as a matter of law. It is true that a tribunal patterned after those set up at Nuremberg and Tokyo at the end of the Second World War could come into being only in the unlikely event that the United States should surrender to the NLF and Washington be occupied by Vietnamese troops. This, however, does not mean that the legality of certain acts ordered, condoned, or committed by Americans in Vietnam can never be subject to legal scrutiny.

Indeed, some Americans have already been sentenced by ordinary military tribunals for breaches of the military code which also happen to be war crimes, such as rape and murder. There is nothing to prevent such tribunals from judging not only the lieutenants, sergeants, and privates guilty of such acts, but the majors, colonels, and generals responsible for their their occurrence by acts of omission or commission.

The question of war crimes could also arise in American courts, in civil damage suits, or in suits to enjoin the prosecution of draft-resisters, deserters, or members of the Armed Forces charged with disobeying orders. Finally, Congress has the power, under Section I, article 8 of the Constitution, to punish violations of the laws of nations and has exercised that power in at least two World War II cases, *The Matter of Yamashita* and *Ex-parte Quirin.*

One of these, it is true, involved German saboteurs and the other a Japanese general, but, as James W. Bishop, a former Acting General Counsel of the Department of Defense, has recently pointed out, there is nothing in the language of this constitutional provision to prevent its application by Americans to other Americans.

Even if it were the case, however, that American war criminals could not be brought to trial, would they be any the less war criminals except in the sense that a man is presumed legally innocent until proven guilty? If a foreign diplomat, driving in a drunken state, were to run down a child, should he be exempt from censure on the ground that the doctrine of sovereign immunity prevents his being brought to trial? If a Mafia leader is shown by incontrovertible evidence to have masterminded an extortion scheme, should he be viewed as a model citizen because his prosecution is barred on the ground that the evidence was illegally obtained?

What is really involved in the controversy between Mr. Hoopes and his two young friends is the question which Richard Falk, in an article in *The Nation,* has aptly labeled "the circle of responsibility." It is a question not limited to the area of war crimes, but one which intrudes upon the public conspicuousness in an increasing variety of forms and situations. If innocent civilians are slaughtered in a Vietnamese village, should only those participating in the slaughter be brought to trial, or does the circle of responsibility encompass the area commander, the theater commander, the originators of the "free fire zone" policy, and the Commander-in-Chief? If a General Motors executive designs, and a General Motors vice- president approves, the production of a certain type of steering wheel which they know will result in a demonstrably higher number of injuries and deaths than another type, are they criminally respon-

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sible? If children die of pneumonia contracted because an apartment house has been left without heat during two winter months, should a landlord be assessed a fine, or should somebody be tried for murder?

To put it another way: In a society, whether national or international, in which the most ghastly consequences follow with numbing regularity from the mindless application of technology and in which the nexus between the doers of certain technological acts and their victims becomes increasingly obscure, can law be used, not as an instrument of vengeance, but as a planning tool?

PETER WEISS
New York, N.Y.

Mr. Weiss is a lawyer associated with the Law Center for Constitutional Rights.

Mr. Hoopes replies:

A detailed reply to Mr. Peter Weiss would not advance knowledge or even create a useful dialogue. Our respective points of emphasis are too different. My purpose here is accordingly confined to correcting a few of his more serious misrepresentations and to making a few general comments.

First, my article did not say that "no good purpose would be served by seeking to place responsibility on any particular individuals," nor did it suggest that U.S. actions in Vietnam have nothing to do with moral or legal considerations. What it did say was that it would be unwise to brand, and attempt to try, as war criminals those American officials who were responsible for the decisions leading to our Vietnam involvement and for the management and direction of the ensuing war effort. I stand on that judgment. In arguing the contrary, Mr. Weiss is forced to ignore the long history of the Cold War conflict, an intense and encompassing experience that shaped the thinking of an entire generation with respect to the way in which power is organized in the world and with respect to the requirements of U.S. national security. It is necessary for him to ignore the fact that our war effort was entered upon by duly elected and appointed officials, including several who were broadly acknowledged to be among the best informed, the ablest, the most humane and liberal men who could be found for public trust. It requires him to leave out of account the fact that the war effort was broadly supported by the American people until at least the summer of 1967, and was conducted without press censorship. Finally, it forces him to avoid consideration of the special circumstances of the international arena—i.e., the system of sovereign nation states whose fundamental relationships to each other are governed not by settled or readily enforceable law, but by considerations of national interest, and from which the dynamics of national prestige can rarely be excluded.

None of these considerations removes the misconceptions, the mistaken acts or the resulting tragedy. They do, however, indicate that we are dealing with what has been a national state of mind, a broadly held set of attitudes toward the threat of communist expansion, communist-inspired violence, and the need to meet force with force in the defense of our allies and of our own interests. It is clear, I believe, that these attitudes are undergoing change, are moving toward a more perceptive, more proportioned view of present realities.

I believe it is in our national interest to encourage this trend toward sober self-reappraisal of the American relationship to the rest of the world, through our normal political and constitutional processes. In an atmosphere now made irrational by hysterical extremists, I can think of nothing better calculated to further tear the already strained fabric of our society than an effort to promote the view that our past and present political leaders should be tried as war criminals. The idea may appeal to the narrow logic of moral fanatics; it is flawed by a profound political unwisdom.

TOWNSEND HOOPES

No wonder our kids are acting so magnificently in defying a system upheld by such naive people as Hoopes. In my opinion the only progressive people in the U.S. today are these kids rebelling against a lot of nincompoops. These kids didn't bring on the genocide against the Vietnamese people. Neither did they pollute the rivers, lakes, oceans, land, air and, last but not least, the minds of the American adults.

DR. HERBERT N. SMITH
Franklin, N.J.

The Moon Trip

"Why We Went to the Moon" [April, 1970] seems to me to be an excellent piece. With my normal conservative reaction, I think the authors have stated the case clearly and with quite reasonable accuracy. Actually, I know very little of the story relating to the involvement of North American Aviation in the Apollo program. But I have heard enough about this matter so that I am inclined to accept their

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findings. And I continue to believe that Mr. Eisenhower was rational, responsible, and courageous in his attitude toward the lunar landing program. Certainly, I found myself in rather complete agreement with him and was grateful that he would support my desire to move forward on a well-planned, orderly but aggressive basis toward the larger horizons we sought to reach. I have always contended that "prestige" is a transitory phenomenon of relatively little lasting value. Someday, this nation will go about its affairs with convictions born of a willingness to face realities at home rather than to attempt to contrive international programs intended to win friends and influence people.

T. KEITH GLENNAN
Reston, Va.

Mr. Glennan is the former Director of the National Aeronautics and Space Administration.

Pacifica and Dean Burch

Dean Burch will get his chance to review Pacifica Foundation's radio broadcasts. (See Elizabeth B. Drew's "Dean Burch Watches Television," May, 1970.) Pacifica is applying for the only open educational channel in Washington. It is opposed by a persistent conservative church group which the FCC has twice rejected. Nothing daunted, the group changed its name to National Educational Foundation and will enter the lists again in the hearing scheduled for June.

Two questions will be at issue.

First, whether a Pacifica station would be valuable in the capital. It undoubtedly would. Pacifica has broadcast extensively—and usually first—on racism, the war in Vietnam, homosexuality, and environmental destruction. Pacifica has established a bureau in Watts and provided facilities to the American Indians on Alcatraz, which serve both to train broadcasters and to produce programs for which air time is regularly scheduled. New poetry, plays, and music, as well as the old that are rarely heard, make up a major part of each week on Pacifica radio. Over the years, Pacifica has been the outlet for people when they got short shrift elsewhere, among them Edward Albee, William Buckley, John Cage, Allen Ginsberg, Dorothy Healey, Ralph Nader, Ayn Rand, Eric Satie, and Bobby Seale.

Listeners who prefer this sort of thing to programming intended to make ads look good have kept Pacifica on the air for 21 years with voluntary subscriptions of, now, $24 a year. But, naturally, such programs disturb the censors among us and those who think the First Amendment protects the President from hard questions.

Hence, the second issue is whether the Agnew, Pastore, Gurney crowd will be able to revoke all of Pacifica's licenses—both to be rid of that particular thorn and to warn the rest that the vast wasteland is where they should stay.

The charges against Pacifica will be:

Obscenity, meaning words that are considered "dirty" and discussion or portrayal of anything having to do with sex.

Subversion, redness, leftness, etc., meaning Pacifica has broadcast statements of views that whoever is making the charge finds too far left of his own.

Advocacy of violence, meaning Pacifica's broadcasts of, for example, David Hilliard on killing the President, but excluding Pacifica's broadcasts of Ronald Reagan on "a bloodbath" or Claude Kirk on shooting U.S. Marshals.

All of which are, as translated, exactly what Pacifica proudly proclaims it does indeed do. Once upon a time, the FCC decided that Pacifica's licenses should be renewed because if its "provocative programming" were banned, "only the wholly inoffensive, the bland could gain access to the radio microphone or TV camera." It remains to be seen if the Commission as it is now constituted will reverse itself and side with those whose goal is a very, very silent majority.

SCOTT KEECH
Berkeley, Calif.

Mr. Keech is a member of the Board of Advisers of Pacifica Station KPFA.

Doctor-to-Doctor

I don't wish to seem querulous, but I will not accept Dr. John Knowles's contention that I made a "misstatement" in my letter in your December issue. I wrote that the nation's teaching hospitals had "concentrated on turning out researchers." I did not write that they had succeeded. All Dr. Knowles's figures from Massachusetts General indicate is that a large number of that hospital's interns and residents failed to live up to the fondest hopes of most (but not all) of their mentors.

I am surprised that Dr. Knowles would question my statement. Anyone familiar with the internship and residency selection standards and advancement criteria in Boston hospitals during the 1950's must acknowledge that "research" was the magic key which opened all doors. Did residency committees in 1960 look with favor on the intern who had worked after

(Continued on page 21)

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Whitewashing Detroit's Dirty Engine

by John Wicklein

Three little models in miniskirts, dancing around a Camaro. It's opening day at the 1970 International Automobile Show in the New York Coliseum. A girl in a deep-veed, Grecian gown coos into a microphone. "Beauty is an expression of the truth, in a woman, in an automobile. Beauty is integrity . . . beauty is character . . . beauty is that unique, one-of-a-kind quality, and the Monte Carlo is like no other car Chevrolet makes."

Women shrouded in black, marching silently by in gas masks. Behind them, strung out from the General Motors building to the Coliseum, thousands of men and women, carrying signs, protesting pollution from auto exhausts: "Cars Cause Cancer . . . The Internal Combustion Engine Kills . . . Make GM Responsible . . . Ban the IC Engine."

Inside the show, a commerical television crew interviews Edward N. Cole, president of General Motors, on the merits of the new cars. From a loudspeaker, the bouncy voice of the Escape Girl, a go-go in her cage: "Escape from the ordinary . . . Get away in an Oldsmobile Escape Machine."

In the protest march outside, a Congressman tells a reporter, "It's basically a dirty engine . . . there's no way to clean it up. . . .You've got to get rid of it."

Auto buffs, queued up at the entrance, surge into the show and mill around the cars. Chromium-plated, enameled in green and orange and red and gold, power-packed internal combustion engines turn on their display stands.

John Wicklein, a former reporter for The New York Times, *produces television documentaries on public affairs in Washington.*

Across the way in Central Park, Bess Myerson Grant, Mayor John V. Lindsay's adviser on consumer affairs, tells the auto pollution rally:

"The auto makers, the worst offenders, continue to roll merrily along . . . dirty business as usual, profits without honor. Declare another dividend and bury the dead, and why don't those trouble-making consumers patriotically shut up? Obviously, obviously, we are on a collision course."

Between the auto promoters inside and the protesters outside, there was no communication opening day of the Auto Show. But symbolically, the national battle to eliminate the internal

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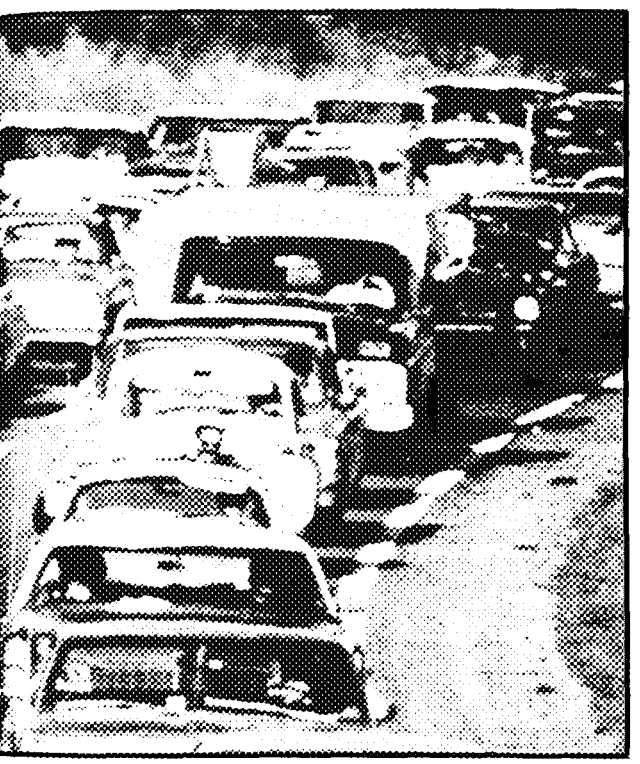

combustion engine had been joined.

The battle has been brewing 20 years—since the day in 1950 that Dr. A. J. Haagen-Smit, professor of biochemistry at California Institute of Technology, announced his discovery that the main ingredients of Los Angeles's smog were exhaust gases from automobiles. Until Haagen-Smit, Angelenos had thought stationary polluters were the chief culprits. But the biochemist, testing the polluted air, showed that when hydrocarbons and oxides of nitrogen are mixed in the presence of sunlight, irritating compounds are formed to cause photochemical smog. The chief source of hydrocarbons and nitrogen oxides in the air, he found, is the auto exhaust pipe. Two other poisons, carbon monoxide and lead, are also discharged into the air by the explosion of gasoline in an internal combustion engine.

Since the discovery, medical researchers have found that lung cancer, heart ailments, respiratory diseases, and eye infections increase in proportion to the increase of automobiles. Smog causes death to plant life, too. Last year the United States Forest Service estimated that 1,300,000 trees in the San Bernadino National Forest near Los Angeles will die in the next five years, because of smog on the freeways.

The health problem, it's coming to be realized, is no longer a phenomenon peculiar to Southern California. Researchers find auto pollution a growing menace in every city with a population of 50,000 or more. Air pollution caused by cars ranges from 60 per cent in the small cities to 90 per cent in the large. Compared to the complexities of water pollution, the problem of air pollution from this source is fairly easy to solve; but so far, government and industry have refused to interrupt business-as-usual to get it done. The lesson to environmentalists is simply this: as of today, the movement does not have enough power to win even the easy battles.

Until very recently, the auto industry was unperturbed. In 1953, a Ford Motor Company executive told Los Angeles pollution control officials "these vapors are dissipated in the atmosphere quickly, and do not produce an air pollution problem." GM assured them that carbon monoxide was not present in harmful amounts in the L.A. area, "and so we have not been concerned with the

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imminence of a serious health problem from this source."

S. Smith Griswold, who served many years as director of air pollution control in L.A. and later in the equivalent federal office, says that until the evidence became inescapable, the auto industry was unwilling to admit it was responsible for air pollution. Griswold, now a pollution control consultant in Washington, D. C., told me:

"We had to clean up every other source to the limit of engineering science—and still have a smog problem—before the industry would concede that their product was responsible. We decided we had to make the manufacturers control emissions. The companies said it couldn't be done. So we got independent companies to design emission control devices and ordered the auto makers to put them on their cars. Then we discovered the auto makers *had* the devices, and finally, when they were forced to, they put them on."

This was the basis of a court suit against the auto industry brought by Griswold and the Justice Department in the Johnson Administration. Instituted in the U.S. District Court in Los Angeles January 10, 1969, the suit charged the Automobile Manufacturers Association and the four largest auto makers—General Motors, Ford, Chrysler, and American Motors—with conspiring for 15 years to limit the development and installation of auto-exhaust pollution control devices. Privately, industry people had expressed reluctance about installing the devices because they raised the cost of cars and reduced gas mileage—they were something of a drag.

To the disgust of Griswold and others fighting auto pollution, the Nixon Justice Department decided not to take the case to trial. They let the industry off the hook with a consent decree signed September 1, 1969. In the agreement, the manufacturers neither admitted nor denied the allegations, but agreed not to engage in the future in the practices specified in the suit.

California, exasperated by the industry's foot-dragging, became the first state to adopt legislation requiring controls on exhaust emissions. The legislature has now set standards at a level which it hopes will drastically reduce pollution from exhausts by the middle of this decade. Early in the '60's the state set a goal of 80 per cent reduction in the average emissions from motor vehicles. But it was not until 1966 that it was able to get the manufacturers to attach devices that brought about such a reduction—and then only for hydrocarbons. Standards have since been set for carbon monoxide and oxides of nitrogen, but only for new cars sold in the state. No practical way has been found to control emissions from cars marketed before the devices became mandatory. So there is a built-in time lag before even the partial clean-up provided by the current standards can be achieved. It will be about 10 years before pre-control cars drop off the roads. After California, the federal government, acting under the Clean Air Act of 1967, began setting emission control standards. They were not, however, as rigid as California's.

Once the auto industry accepted the fact of control devices, it began crowing about their benefits to the public. In April, 1969, Charles M. Heinen, Chrysler's Chief Engineer for Emission Control, told the Society of Automotive Engineers: "We've done the job—the main battle against automotive air pollution has been won." Other industry executives have become loud in their praise of emission control devices.

The reason is that today a far more drastic remedy to the air pollution problem—it hasn't been solved yet—is being proposed, and it is scaring the auto makers silly. While the hullabaloo over control devices for the internal combustion engine was rising in California, other scientists, government agencies, and legislators began looking into the promised benefits of this "new" technology. They found that on every projection of pollution drawn by someone outside the auto industry, an ominous

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curve appears. As devices are installed on new cars, air pollution begins to level off. That would seem logical, because, with effective devices, emissions from individual cars should drop off 40 to 60 per cent. But the fact glossed over by the industry is that the number of cars in the country is increasing rapidly—by the end of the decade, there will be twice as many on the roads. At that point, the pollution line takes a sharp turn upward once more.

But, as the technology improves, won't we have better and better control over emissions from conventional engines? Apparently not. The opinion of almost every researcher outside the auto industry is that the standards being promulgated for 1975 by California and HEW represent the technical outer limits for cleaning up the IC engine. After that, improvements are small, and methods of accomplishing them extremely costly. To many scientists, and one legislator, the remedy was obvious—force the automobile industry to give up its internal combustion engine and adopt another, nonpolluting means of propulsion for its cars.

The legislator was state senator Nicholas Petris of Alameda, California. Petris, a vigorous, gray-haired man with a penchant for bright shirts and colorful ties, had spent years advocating electric cars as an answer to California's smog problem.

In 1965, he became fed up with the industry's lack of concern and launched a head-on attack. He introduced a bill to ban the sale of cars with internal combustion engines. The legislators laughed. He introduced it again in 1967 and 1968. The auto industry laughed. But smog kept getting worse, and that was not funny. Last year, Petris tried again. His bill passed the senate, 26 to 5. If approved by the assembly, the new law would have ended the sale of conventionally powered cars in California by 1975. California buys 10 per cent of Detroit's output. The auto industry stopped laughing. It sent in money and lobbyists. The bill was referred to the assembly's Transportation Committee, usually friendly to the manufacturers. An industry spokesman told the committee that Detroit had no alternative available, so they would be, in effect, banning the sale of cars in a car-dependent state. "The know-how isn't there to do the job," he said. And so the committee killed the bill—by one vote. A week afterward, a reporter asked the same industry spokesman if Detroit would have been able to market a car with another type of engine by 1975 if the IC engine had been banned. "We would have complied," he said, "and of course we would have remained in the business of producing automobiles."

Senator Petris feels he has made a point. "There's a remarkable change from ridicule to belief," he told me. On the walls of his office are several mea culpa bumper stickers:

THIS CAR MAY BE A HAZARD
TO YOUR HEALTH

SEE IT LIKE IT IS—FIGHT AIR POLLUTION

QUIT SMOKING—WALK

"I'm determined to continue the fight until the IC engine is eliminated. The industry has never volunteered to do anything that will favorably affect the health of the people. You have to club them with governmental action. I'm sorry to say this. I'd much rather go to them and say, 'Look, fellas, you're ruining our health and you are going to kill us off—would you mind changing that internal combustion engine?' "

People in other states are beginning to agree with Petris. A bill in Hawaii would ban the engine by 1974, one in Washington state by 1980. ("I think that's quite late," Petris says.) In New York state, a bill introduced this year with bipartisan sponsorship would provide a flat ban on sales by 1975. "We want to scare hell out of the industry," a Republican pushing the legislation told me over the phone. "We want them to come up with a clean alternative, now." Maryland, Massachusetts, New Jersey, Delaware, New Mexico, Arizona,

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Connecticut, and Illinois also have "ban" bills in their hoppers.

In Congress, legislation to get rid of the IC engine was introduced by Representative Leonard Farbstein, a Democrat whose polluted district in Manhattan has a large stake in the outcome. The ban is also backed by Representative Alfonso Bell, Republican of California. In the Senate, Gaylord Nelson, a Wisconsin Democrat active in the pollution fight, has sponsored a similar proposal.

The Farbstein bill doesn't propose a flat ban, but the intent is the same. It starts with the premise that exhausts should be virtually free from pollutants. Rather than key the standards to the best the IC engine can achieve, it sets limits on emissions that can be met only by engines that are inherently clean—steam, gas turbine, or electric. These standards, in effect eliminating the conventional engine, would go into full force by 1978. IC engines would be phased out over four years, dropping the largest in 1975 and all by the end of 1977. The plan would permit the industry to introduce cars with alternative engines a few lines at a time.

Public support for a ban is building across the country. In California, the People's Lobby, headed by Ed Koupel of Los Angeles, has collected 425,000 signatures to put a referendum phasing out the engine on the ballot this fall. Koupel was the man who led the petition drive to recall Ronald Reagan as governor. Reagan's attorney general has challenged the validity of a third of the auto referendum signatures, in an effort to keep the question off the ballot. Nationally, the ban got a boost from environmental activists working toward Earth Day demonstrations. The Nader-sanctioned "Campaign GM" has made the elimination of the IC engine one of its aims.

But the industry tide is still running against the air pollution activists. "The Industry" is 50 per cent General Motors, and this one company, according to Nader, contributes 35 per cent of the nation's air pollution, by tonnage. In an interview at the General Motors Technical Center in Warren, Michigan, GM President Edward Cole told me his company has no intention of abandoning the internal combustion engine. "We believe that the internal combustion engine can be made more pollution-free than any of the alternative power sources that we are working with," he said. "And so we are betting heavily that as far as the public good is concerned—that is, being able to own and operate individual transportation—we can do it most easily at the lowest possible cost by the employment of an internal combustion engine."

I must have struck Cole as overly concerned. After several questions about GM's efforts to stop pollution, he took me by the arm and said, "John, what I am saying is that *it is going to be all right.* We are going to take the automobile out of the pollution problem, and we expect to do it by 1975."

William G. Agnew of the GM Research Laboratories told me GM thought it was more productive to refine the IC engine by adding emission control devices than to go to an alternative "for the foreseeable future." Still, an executive who supervises this refinement at the labs was clearly pained that so much effort must go into tinkering with the standard engine to improve its pollution characteristics. Every year, he said, a new valve or device is added, making the engine more and more complicated, with more and more gadgets to go wrong. "You need a simpler engine, really," he said.

I talked to Herbert Misch, vice president—engineering, of Ford Motor Company, after he had testified at a hearing of the California Air Resources Board in Sacramento. I asked him if Ford thought the best way to meet the public demand for an end to pollution from automobiles was by trying to clean up the IC engine. "Look where we are spending our money—that's the answer to that," he said. "If we didn't think the IC engine was a better bet, we wouldn't be doing that."

Charles Heinen of Chrysler told the

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Air Resources Board the same thing. The Chrysler Corporation had developed and tested a gas turbine for cars over an 11-year period, from 1954 to 1966. It proved practical to build, and virtually pollution-free. It rated high with 203 users who tested it under normal driving conditions. But Chrysler decided against marketing it. The cost of the changeover was considered too great, and the chief reward—less poison—not enough to justify the cost.

In sum, the Big Three said, stop worrying; we can clean up our mess with the very engine that made it. True, the IC engine does dump poisons into the air you breathe, but now we will sanitize it by attaching catalytic mufflers to the exhaust pipe to catch the poisons before they can get out.

Technical experts outside the industry are extremely skeptical. They find that anti-emission attachments haven't been living up to their promise, and there's no evidence that they will do so in the future. Since 1967, the National Air Pollution Control Administration (NAPCA) of HEW has been issuing standards for emissions that are supposed to be met by prototypes of vehicles to be marketed by the auto makers. The cars have control devices, put on at a cost of $50 to each purchaser. Not surprisingly, the prototypes offered to NAPCA for certification have met the standards, which aren't too rigid in any case. But recently NAPCA made tests on 600 Hertz and Avis 1968 cars with mileage ranging from 3,800 to 16,000. Although they had the devices, between 75 and 80 per cent of these cars released more carbon monoxide and hydrocarbons than permitted under the regulations. (Another dangerous component, oxides of nitrogen, is not yet covered by HEW.)

Now it was time for the industry to make its own scientific discovery. You are right, says its spokesman. Our catalytic mufflers do get clogged up after they have been in use for 8,000 to 10,000 miles. But that's because there is lead in the gasoline! If you take the lead out of gasoline, we can provide our IC engine with an emission control device that will function properly for 50,000 miles!

Early last year, when environmentalists began pressing to take lead out of gas because lead spewed into the atmosphere is a deadly poison, as well as a hindrance to controlling other poisons, the auto manufacturers had stood staunchly beside their allies, the oil companies. They could never agree to move away from lead in gasoline because it would cost the users $2 billion a year for a gas without lead in it. Lead, they asserted, was put into gasoline originally to increase its octane—or power—rating. The public will never stand for a reduction in power of its automobiles, the industry spokesmen said.

But now the situation is changed. California has adopted standards calling for a drastic reduction in emissions of the three main pollutants by the 1975 model year. Lead, however, is not included. In February, HEW announced it intended to set new standards for 1975 that will be essentially the same as those for California:

Carbon Monoxide	11.0 grams per mile
Hydrocarbons	.5 gram per mile
Oxides of Nitrogen	.9 gram per mile

(An internal combustion engine, uncontrolled, puts out 80 grams of carbon monoxide, 11 grams of hydrocarbons and four grams of nitrogen oxides per mile. In grams, this seems small, but in gross tonnage of poisons, it bulks large. Estimates for Los Angeles, in tons per day are: hydrocarbons, 1,800 tons; carbon monoxide, 10,000 tons; oxides of nitrogen, 570 tons.)

The auto industry executives took a look at the 1975 standards, consulted their technical research people, and decided they could not meet them without removing the lead that clogs control devices. So, to save their technology, they jettisoned the oil industry. "Besides, that gets the monkey off *our* backs," one auto executive remarked to

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a reporter. The oil industry, which would have to revise its technology, understood what was happening. In March, at a hearing of the California Air Resources Board (ARB) to consider removing lead from gasoline, one of its spokesmen remarked that the oil industry was being asked to eliminate lead to accommodate the auto industry. "They have put the onus on the back of the oil industry to give them the time to accomplish what apparently they haven't accomplished today in the area of the catalytic muffler." It's the only way we have to meet your requirements, Detroit's Big Three told the ARB. The board bought the argument, and recommended to the legislature that lead be banned from gasoline by 1977.

The Nixon Administration, apparently, has also bought the argument. It has asked Congress for legislation to set control of additives, such as lead, in gasoline. Now this has a good image with the public. The appearance is: We are getting tough; auto pollution is being solved. But what it does, in essence, is give the industry more time to delay the drastic step that inevitably will be needed: abandonment of its pride and joy of 60 years and the technology and tooling that goes with it.

The 1975 standards mark the best that can be expected of that engine, and yet, when you project the rise in cars at 10 million a year, they are not good enough. Gnawing at the minds of politicians, even those inclined to go along with industry as far as they can, is the feeling that, by the end of the decade, we will have to be doing something else. John Maga, head of the California ARB, while saying that the technology might still be found to get very low emissions from the IC engine, concedes "there will obviously be some point at which they won't be able to meet the standards if they are made increasingly strict."

California air pollution officials, smog projection chart in hand, are already calculating even more rigid standards to be met by 1980; so are air pollution researchers at HEW. But the Nixon Administration is not ready to face the issue. The pressures from its constituency aren't strong enough yet. The people most harmed by air pollution—city dwellers who tend to be poorer and blacker than the Silent Majority—are not part of its constituency. However, even some suburbanites are breaking silence to complain about being gassed to death by Detroit.

Such expressions of concern are causing the President to move forward slowly. Last September he and his science adviser, Dr. Lee DuBridge, were saying that obtaining a low-pollution vehicle was a job that would take well into the 1990's to achieve. But recently, as the environment took on more political importance, DuBridge and the Administration said change might have to come about in the '80's. In February, the President included in his message on the environment the proposals to set stricter HEW standards for 1975 cars: require the testing of assembly-line models, rather than prototypes, for compliance with these standards, and authorize HEW to regulate polluting additives in gasoline. He praised the auto industry for developing emission control devices and for preparing "on its own initiative" to put on the market by 1972 automobiles that will not use leaded gasoline.

He then made a bow to the projection that shows pollution rising again by 1980: "I hope that the auto industry's present determined effort to make the IC engine sufficiently pollution-free succeeds. But if it does not, then unless motor vehicles with an alternative, low-pollution power source are available, vehicle-caused pollution will once again begin an inexorable increase."

If that's the case, what should the federal government do? I asked this of a Presidential assistant who helped draft the pollution message. Would President Nixon support setting emission standards so low that the industry would be forced to go to an alternative engine? "I know what the President would say to that—that's absurd," he replied. "We know the

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auto manufacturers can't clean up auto pollution without going to an alternative engine, and that they are lying when they say they can clean up the IC engine. And they know we know, and we know they know we know. But we don't think we should tell the industry they have to get rid of the IC engine and go to an alternate source."

Then how are you going to make it happen? I asked him.

"We think the best way to do it is to produce one of these alternate engines publicly. Then if we find it is practical and that we have a perfect engine, we think the public pressure is going to be impossible for the manufacturers to resist, and they will have to start marketing a nonpolluting car."

To carry out this line of reasoning, the President asked funds for an extensive research and development program in unconventional vehicles, to be conducted by public and private agencies over the next five years. He proposed spending $9 million the first year. He also backed a bill, now passed by the Senate, that would authorize the federal government to offer premium prices for purchasing low-emission vehicles for its own use, thus creating a potential market for cars with unconventional engines. When the Senate Commerce Committee unanimously reported out the bill, introduced by Chairman Warren G. Magnuson (D-Wash.) it commented:

> The federal government's policy of adopting national hydrocarbon and carbon monoxide emission standards for automobiles and light trucks is inadequate. Nor will the present industry approach of adding emission-control devices to the internal combustion engine solve the air pollution "epidemic." The best solution is to develop a new propulsion system which produces few pollutants, and which performs at least as well as present propulsion systems.

When I mentioned the Nixon approach to bringing about a change in engines to Nick Petris, he snorted. "I think this shows the kind of thinking which places danger to the public behind the desire not to offend industry. Now, we've done that too many times. We've had the public pay the bill to repair damage that's been done by some element in private industry." Industry has made its money on a polluting machine, he said, and it should be made to use this money in producing a nonpolluting machine.

Which of course is far from the Nixon thinking, and, for that matter, the thinking of most of those in Congress—Democrats and Republicans alike—who feel constrained to deal with pollution. Congress is concentrating on legislation that falls well short of the Farbstein-Nelson proposal. Senator Edmund S. Muskie (D-Maine), for example, is pressing to extend Section 104 of the 1967 Clean Air Act to increase research and development on emission controls and to authorise HEW to set emission standards for production-line vehicles.

To have any effect in cleaning up the air we breathe, these legislative proposals presuppose effective enforcement of their provisions by the federal government. Smith Griswold thinks this is a forlorn hope. From 1965 to 1967 he served as control chief at HEW's Office for Air Pollution Control, and resigned when he found his program for enforcement of the federal standards was being ignored. "I think HEW has a phony, industry-oriented program from the word go," he said. "The standards are phony, because the federal government doesn't enforce them."

Griswold hoots at auto industry claims for attach-on devices. "On the basis of past performance, with General Motors or any of the others, I think this is so much hot air," he remarks. "If they can't make this relatively low-quality device work, one that doesn't have to meet any severe standards, then how do you expect them to make a device that will work when the standards get tough?"

Expert after expert tells you the same thing—piecemeal, gimmicky half-

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measures will fail; what is needed is a new start, with an inherently clean engine.

One engineer planning to develop such an engine is William Lear, the entrepreneur who had a great success in developing the Lear Jet airplane a few years back. He has taken over an abandoned Air Force base outside Reno and set up Lear Motors to try to bring it off. I asked him what he thought about the assertion by auto executives that they could clean up the IC engine.

"Well," Lear said, "I think the nicest thing to say is, that's fantastic." (Later he remarked that "fantastic" was the word he learned in Sunday school to replace the word "bullshit.")

The auto companies know they will ultimately have to go to a different engine, he said. "I think they all will admit, probably not publicly, but secretly, that the gas turbine engine is the ultimate engine they will have to go to. But in the meantime, they have an investment of somewhere around $5 billion, in know-how, tooling, facilities, and so forth, for manufacturing the IC engine, and come hell or high water, they're going to stay with that engine as long as they can."

They will go to an alternate engine only when they are forced to do it by the government, Lear said. "The government will have to take a very stiff attitude and say 'Believe me, you will not be able to deliver cars unless you make a low-emission car; if you don't, you go out of business.' Now, they won't go out of business. They will then decide to quickly get into gas turbines. And it will take them six years, if they decided today to go into gas turbines, before cars came rolling off the lines."

When I asked Edward Cole what alternatives GM would go to if the government did ban the conventional engine, he said, first, that he didn't think the government would ever do such a thing, because it would not be in the public interest—but that if it did happen, "probably down the road the best alternative would be the gas turbine engine." Lear, on the other hand, is betting the government *will* do it, and wants to be there first with a marketable engine when it does. It could be a good race, should the government insist it be run. Both GM and Ford intend to come out next year with gas turbine engines for trucks. Although they say now the engine is not commercially feasible for cars, their experience with the larger engines should bring them within striking distance of the technological capability Chrysler developed while testing out a gas turbine for passenger cars.

Lear first placed his own chips on the steam—or Rankine cycle—engine. He spent several million dollars developing a steam engine for a car to be tested out by the California Highway Patrol, and a larger engine for a bus to be tried out by the city of Oakland. Both experiments are being conducted by the state of California with funds from the U.S. Department of Transportation. In doing this, Lear proved to himself that a steam engine could provide very low emissions, but also that it had too many complications to make it practical in the family car. Now, although he intends to complete the California contracts, he has shifted his plans for the future to the gas turbine.

"The gas turbine is such a simple device," he said. "By comparison with the steam engine or the IC engine, it has about 15 per cent of the parts. It really has only one moving part, and that's the turbine." The advantage of the gas turbine, from an anti-pollution standpoint, is that it is by its nature a clean-burning mechanism that needs no afterthought attachments to its exhausts. The gas turbine burns its fuel—kerosene—evenly in the air, outside the engine. External burning provides much more complete combustion, and fewer emissions, than burning gasoline vapors inside a cylinder. In internal combustion, the exploding gases burn unevenly, and the resulting poisonous residue must be

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dumped out of the cylinder and into the air.

Steam and gas turbines have been the chief alternatives considered as the search progresses. They seem to promise the performance the industry has educated the public to demand in its individual transportation: speed, power, acceleration, ability to drive for long periods without refueling, ability to run auxiliary equipment such as heaters, radios, and air conditioners. There are two other alternatives which are talked about but appear to have greater drawbacks: (1) Modifying the present IC engine to burn natural gas. This can be done fairly easily—in fact, it has been done for some gas utility fleet cars and for a number of California state vehicles. Emissions from natural gas are very low. The drawback here is that such cars can drive only 40 to 60 miles on gas cylinders equal to the size of a conventional gas tank. (2) Electric—battery-powered—cars. They have no emissions but, to date, provide very limited range and speed.

Other technical researchers are not yet ready to write off the steam engine as the car engine of the future. It burns its fuel externally, too, and it has been under development by a number of experimenters for a longer period than the gas turbine engine—though not nearly so intensively. After studying various alternatives last year, the staff of the Senate Commerce Committee concluded in a report that "the Rankine cycle (steam) propulsion system is a satisfactory alternative to the present internal combustion engine in terms of performance and a far superior engine in terms of emissions." It gets better gas mileage using less expensive fuels, the report asserts, and its acceleration, auxiliary operation, and braking characteristics are superior to those of the internal combustion engine. The report, called "The Search for a Low-Emission Vehicle," criticized HEW for spending most of its research funds on IC engine emission control studies and very little on researching alternatives.

Among all the alternatives, the gas turbine seems to be swinging into the lead as the system closest to being perfected for assembly-line production. William Lear concludes that, once in production, this engine would be cheaper to build than an internal combustion engine including the clean air devices that must now be added to the exhaust side. Developing such an engine would cost about $25 million, he believes. Retooling to market a million a year, the number necessary to make it economically feasible, would cost about $300 million, he estimates.

"I think," he said with a wily smile, "that if the government would underwrite our research and development, it would be the greatest catalyst the government could use to get Detroit off its tail and going."

There are probably more direct ways to accomplish it. The toughest, but most effective, would be for Congress to set a goal for return to pure air, then decree standards and enforcement to insure that return. Such a standard cannot be met by the present engine with tack-on control devices; therefore, the industry would have to come up with the alternative, nonpolluting power source. The manufacturers could be required to provide such an engine on an increasing percentage of cars produced, reaching 100 per cent by the end of the 1970's. Meantime, the lame duck IC engines being marketed during the phase-out period should be made to meet, through emission-control devices, standards that approach the technological limits of their capabilities.

Federal funds should be provided for assembly-line testing of these vehicles and for states to conduct spot checks of private cars to see that the certified vehicles meet the standards after prolonged use on the highways. Increased research funds should be provided to the National Air Pollution Control Administration to develop alternate engines on its own, as a check on the industry's effort to comply with the tough standards set in the basic legislation.

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Is it reasonable to goad Detroit into the change, considering the costs involved, just to make certain the pollution curve will not begin to rise again? That's like asking, "How much is the quality of life worth?" If we look at some industry figures, we may not have to ask the big question.

Chrysler officials, in analyzing why they did not want to go into production of gas turbine cars, estimated it would cost the entire automobile industry $5 billion to retool all its production lines to produce the gas turbine. The figure looks tremendous until you discover from other industry figures that Detroit normally spends about $2 billion each time it accomplishes a complete model changeover. Ralph Nader reported to a Congressional committee that GM spent $250 million to change its advertising signs to read "GM–Mark of Excellence"–yet spent only $8 million the same year for pollution control research. Still other figures indicate that the industry will charge customers $2.64 billion over the next five years to install emission-control devices without any guarantee of their effect on air pollution.

Representative Farbstein, in a report on an ad hoc hearing he and other New York Congressmen held on the question, said the costs of changing to an alternative engine are manageable, and could be made even more so if the industry changed over a line at a time. Compared to the cost of cleaning up water pollution, he pointed out, cleaning up air pollution is relatively cheap.

By any logic, the costs of the change would be small compared to the costs to society of continuing or increasing pollution caused by the present engine. Polluted air is estimated to cost the American people $20 billion annually in clean-up and material repairs. In the Los Angeles area alone, studies show pollution from exhausts is costing $132 million a year in damage to crops. The money costs of medical bills and days lost from work are difficult to estimate, although guesses put these in the billions. The cost in anguish–from sickness and premature death–should alone be enough to force a change.

I agree with Lear that change, in this case, will come only through governmental action. And in our free enterprise society, the government itself must be prodded to resist its natural inclinations to ride along with the industrial managers and their money, status, and technological "know-how." It's hard to tell whether the people have become worried enough to make them want to apply the goad. The generation that has arrived at an age of political clout grew up with the idea that the smells from auto exhausts were inevitable. Except when we took in a lung-cutting whiff from a bus we got caught behind, the nuisance seemed tolerable, considering the benefits gained from having our individual transportation. Can the promoters of change whip up the public to take on an industry that provides an Escape Machine for so many? Or will it take a health crisis, with people clearly dying from atmospheric inversions caused by auto exhausts?

If we don't start now to force the change, we are doomed to live, at the end of this decade, in a world of increasingly foul air. With no measures beyond those envisaged for 1975, the amount of poisons in the air will double within the next 30 years.

But suppose we do force a technological change. Won't the dislocations in the auto industry and the oil industry and the garage industry be too much for our economy to bear? Nick Petris has an interesting answer to that:

"People are going to insist on being dislocated when they realize it's a matter of life or death. Who's going to be dislocated–the man who sells IC engines? Even if we adopt a rubber band and wind it up behind the car, he's going to sell it. Now, the service station operator? Okay–he's going to have to do somewhat of a different kind of service. But he'll be alive to do it." ■

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(Continued from page 9)
hours in a community health program or on the one who had gotten his name tacked on last in a multiple-author paper on serum enzymes? Did internship committees in 1955 cherish a senior student who had worked summers in a Roxbury youth center or in a steroid chemistry lab? The answer is obvious—most House Officer programs never even considered *asking* about community involvement or interest in treating patients until the late 60's.

Dr. Knowles himself has written, "The 'best' students by the faculty's measure are encouraged to opt for 'straight' internships and residencies in medicine and surgery, followed by varying periods 'doing biologic research' and on to ultimate practice and teaching or full-time academic clinical work in the urban teaching hospital." (*New England Journal of Medicine*—V 80, p. 1271, 1969.) The better hospitals directed their house officers toward research, advanced them on the basis of research, and, if good or abundant research was not forthcoming, consigned them, *faut de mieux,* to practice.

It is particularly puzzling that Dr. Knowles would contest this, since it has been under his leadership that direct patient care has again become respectable among talented young house officers at Massachusetts General and, through its influence, elsewhere.

MICHAEL J. HALBERSTAM
Washington, D.C.

Farm Subsidies

In the process of working to reform our farm program by placing a ceiling on the huge subsidies—running into the millions in some cases—going to a handful of giant corporate farms, I have devoted a good deal of the time to studying this complex subject. I know of no single article which explains it with greater clarity and insight than David Francis's article, "The Remembered Americans: Down on the Farm" [April, 1970].

I was especially pleased that Mr. Francis noted Agriculture Secretary Hardin's own admission that a large percentage of these payments—65 per cent in the case of cotton—are nothing but "income supplements," and are *not* needed for production control. I think it fair, to put it mildly, for all of us to question whether the J.G. Boswell Company of California needed an "income supplement" of $4,370,657 in 1969 or whether Senator Eastland needed the assist he received of $178,263.

I am also pleased that Mr. Francis advocated a "low limit on payments— $5,000 or $10,000 per crop." When the farm bill reaches the floor of the House soon, I intend to offer such an amendment at the $10,000 per crop level. As the author of subsidy ceiling amendments which have twice now passed the House, only to be defeated in the Senate, may I take this opportunity to urge your readers to write their Senators in support of this reform.

SILVIO O.CONTE
Washington, D.C.

Mr. Conte is a Republican member of Congress from the First District, Massachusetts.

Using Tax Refusal Money

Kennett Love's article ["Hell, No—I Won't Pay"] is a valuable discussion of the issues involved with tax refusal. However, for those of us who participate in the Roxbury War Tax Scholarship Fund, a regional tax resistance project focusing on local needs, it leaves out one important aspect. While voting *against* guns, we want to vote *for* butter. If we are going to deny the military establishment, we feel we must place our unpaid taxes at the disposal of some constructive alternative purpose. For us, it is insufficient to simply hold this money in our own personal bank accounts, earning interest until the IRS comes to seize it.

Although there would have been many valuable alternative ways to spend this tax revenue, we have decided to concentrate on this community's particular educational needs. The fund's accounts are maintained in Boston's only black-managed bank, so that while the fund is earning interest for particular educational projects, it is also placed at the disposal of the black community for its own economic development. For all of us involved in this project, tax refusal is a symbolic act; we cannot permanently deny the government our tax revenues. Eventually, the Internal Revenue Service seizes the money; but before this happens, the principal backs loans for the black community and its interest is used to provide educational grants. In the process we lose the interest that the money would have earned and the interest which the Internal Revenue Service charges for late payment. We feel that this is a small cost for being able to make a clear and positive statement of preference for peaceful use of our tax money.

If others find themselves interested in this particular project, inquiries for further information may be sent to the administrator of the fund: Mrs. Edward Webster, 49 Dedham Street, Newton, Massachusetts.

DONALD PATTERSON
Roxbury, Mass.

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The Great Helium Bubble

by John H. Rothchild

Helium is a great gas for conventioneers, children, and dental patients. It is good for numbing teeth, and in balloons it is wonderful for launching candidates and getting kids to take walks. Such practical, down-to-earth uses make helium one of the inert gases most appreciated outside the laboratories.

Very few people who buy balloons, however, realize that the U.S. government has been conserving helium, at taxpayers' expense, in an underground reservoir near Amarillo, Texas, for use after the year 2000, when present helium sources are supposed to be depleted. This began in 1960 when the Helium Activity, as the office is called, in the Department of the Interior's Bureau of Mines contracted with four companies to provide, over a 22-year period, around 62.5 billion cubic feet of crude helium for underground storage, at a total cost then estimated at $500 million. Although what was called the "helium conservation program" was launched with some public fanfare, we have lost track of it after 10 years.

The relative obscurity of the helium stockpiling scheme means that most of us are also unaware that the program has become financially crippled and that the assumptions under which it was created are obsolete. We do not know, for instance, that financial blunders committed at the program's inception have caused it to be economically untenable and that the estimated costs of helium stockpiling have grown from the original $500 million figure to, according to one Bureau expert, "as much as $4 billion" over the 22-year period of the contracts. We are unaware that Bureau of Mines studies have questioned whether there is any reason at all to save helium.

Like many small, but costly, government programs, the helium conservation program is isolated from the public that is supposed to benefit from it. We are aware of it now only through the courageous efforts of a few members of the Bureau of Mines staff who were willing to analyze it critically. It was the Bureau of Mines, in fact, that made the convincing case against its own program last September before the mines and mining subcommittee of the House Interior and Insular Affairs Committee. Hollis M. Dole, an Assistant Secretary of the Department of the Interior, told the subcommittee: "In our review, I find that changes have occurred since 1960 which affect its conceptual aspects and our ability to carry out the program." Since those hearings, the results of this self-study by the Bureau have put the helium conservation program into jeopardy. The Nixon Administration has taken $24 million of the 1971 allocation for stockpiling helium out of the budget, pending results of several further studies.

John H. Rothchild is a free-lance writer based in Washington.

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At the same time, however, the men in the Bureau of Mines who engineered such a thorough appraisal of the program (among other programs) have been removed. The whole research office in the economic division, established to provide such analyses, has been reorganized under an assistant secretary to make sure, according to one Bureau employee, it doesn't come to the wrong conclusions anymore. And after making such a convincing case last September to Congress, the Bureau seems to have lost its resolve. Harold Lipper, then Acting Assistant Director of the Helium Activity, who presented most of the damaging testimony to the subcommittee, said last month: "We can't give any definite answers [whether the program should be saved]." "Helium conservation," he added, "is a good thing."

Since the purges in the Bureau of Mines, and the changes in attitude of men like Dole and Lipper, the helium conservation program has lost its opponents at the crucial moment when it is being reconsidered by the Nixon Administration. It is not, however, without powerful supporters. A Helium Society was formed just two months before last September's subcommittee hearings in the public relations firm of Hill and Knowlton. It is largely financed (exact figures are unavailable) by three of the four helium companies that won the government contracts after 1960. Its membership includes Robert K. Gray, senior vice president of Hill and Knowlton and also former secretary to the Eisenhower Cabinet; ex-astronaut M. Scott Carpenter; and assorted lobbyists and scientists. Among its advisers are Fred Korth, Secretary of the Navy in that same Cabinet, and the two Congressional co-sponsors of the Helium Act amendments that established the stockpiling program, Senator Gordon Allott (R-Colo.) and former Representative Walter E. Rogers (D-Texas). The Helium Society, according to Gray, was formed to point up "the dangers of wasting the helium that's available." Such a powerful constituency may explain why helium, an obscure gas that occupies roughly 5.5 parts per million in sea level air, got the kind of protection in 1960 that other dwindling resources are now seeking. It may also help us understand why the Bureau has softened its opposition and why helium, under attack eight months ago, seems to be regaining its strength and may, indeed, climb back into the 1971 budget.

The problem with helium, as with many other obscure government operations, is that what is begun in the public name with public money quickly becomes the sole concern of vested interests—the merchants and the government contractors and the bureaus that deal in helium—that are far from the public eye. Whether the helium stockpile is con-

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"Saving helium had the uncertain aura of banking Confederate money."

tinued or abandoned may depend on whether there is public pressure over an issue that does not make headlines, and that does not compare in dollar size to the Vietnam war or the oil depletion allowance. To the taxpayer, continuing the helium program might mean, according to one expert, foregoing "a movie a month." But, as we find out every April 15, helium-type programs add up. And an insignificant public issue like helium has significant inside support. Under attack, even helium has the power to invalidate studies, to remove researchers, to inspire businessmen, and to get a government bureau to think twice. Though there may be convincing evidence against such a program, as there is against helium, once it has been launched it is hard to bring it back under public control. A study of the forces that propel the buying of helium may help us understand how such things get out of hand.

The decision to save helium was made in 1960, even though the prospect had the uncertain aura of banking Confederate money. Nobody knew for sure when we would need stored helium, or how much, or whether its value would rise or fall. The Bureau of Mines predicted demand for helium would reach 2 billion cubic feet per year by 2000, but a study by the Stanford Research Institute commissioned by private helium companies, said it would be more like 5 to 10 billion. It might be that we stored an unnecessary resource, but, on the other hand, it might be that the stored amount, compared to great needs, would be as token as one lifeboat on the Titanic.

There were three main reasons the government decided to stockpile helium. The most important, paradoxically, was an immediate shortage. Anyone who saw Popeye and Spaceman drooping down the avenue during a Macy's Thanksgiving Day parade, filled with plain old air and held up with big ugly derricks, understood the persuasiveness of the problem. Helium demand had risen from 50 million cubic feet in 1948 to 360 million in 1960. The ICBM missiles were consuming voracious amounts of the gas for pressurizing, purging, and cooling their rocket fuels. The Bureau of Mines, which produced all the helium in the country at the time, was worried. A crisis atmosphere gave credence to the futurists, mostly scientists, who envisioned helium supplies depleted within 30 years, when space-age demand would be higher than ever.

Second, helium was needed in industry. Its uses extended from shielded arc welding, wind tunnel research, deep sea diving, molecular leak detection, artificial atmospheres, and lifting balloons to cryogenic (low temperature) work. There were few known substitutes for helium's unique properties: light like hydrogen, yet not volatile; less soluble in fluids than other gases; nonflammable and nontoxic to man; and most important, fluid at near absolute zero temperatures. Helium conservation had nothing to do with the balance of nature, but it was thought to be irreplaceable in its technological uses.

Third, helium was in the national security interest. As late as 1955, its largest single use was in Navy blimps. Its military deployment classified it as a munition. (The U.S. refused to sell helium to Hitler for his Zeppelins.) Since the U.S. had a virtual world monopoly on production, helium export was closely regulated by the Secretary of State. Helium's military record gave it a patriotic, nonpartisan profile. The 1960 act that established its conservation described its need for "the defense, security, and general welfare of the United

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"Helium's military record gave it a patriotic, nonpartisan profile."

States."

Helium also had the special role of protecting the original copies of the Declaration of Independence, Constitution, and Bill of Rights from oxidation in the National Archives.

Helium, then, had something for scientists, businessmen, politicians, and the military. What it lacked in popular support it made up for in influential friends. It even commanded the concern of President Eisenhower, who endorsed the conservation program in his 1959 and 1960 budget messages.

Although the helium program was sold as aid to a dwindling resource, the decision to stockpile it was budgetary, not environmental. Since helium occurs in the air, there will be helium as long as there is man. In fact, a process was known in 1959 through which unlimited supplies of helium could be extracted from the air itself. The problem was cost. To get helium from the air would run between $1,000 and $2,000 a thousand cubic feet. To get it from the natural gas streams in the Hugoton field, as had been the government's practice, cost only $10 a thousand. If enough extra helium could be saved then, at $10, went the thinking, the day would be forestalled when the government would have to produce it for $1,000.

Hugoton, a large area stretching across the Texas Panhandle and into the Kansas and Oklahoma plains, was then thought to be the only source of cheap helium in the world. The Bureau of Mines had been extracting helium from Hugoton since the 1920's—by tapping into the natural gas pipelines and running the gas through pressurized cooling boxes where everything except helium, nitrogen, and a small percentage of other gases would freeze. The helium-nitrogen was then siphoned off (and later further refined through a similar process) and the natural gas returned to the pipeline. Since private gas companies owned the natural gas in the Hugoton, the Bureau paid them for shrinkage—the reduction in gas volume as a result of helium removal.

Helium, however, was being extracted from only a small percentage of the Hugoton gas flow. Through the Bureau's five helium plants—at Otis and Cunningham, Kansas; Exell, Texas; Shiprock, New Mexico; and the large, modern outfit at Keyes, Oklahoma—about 680 million cubic feet of helium was collected yearly. But billions of additional feet were going up the chimney in stoves and heaters all over the nation as most of the Hugoton gas passed through unprocessed. The new conservation program would expand the Bureau's capacity, and massive volumes of helium would be stored in an underground reservoir near Cliffside, Texas, for the day when Hugoton would be depleted.

The helium conservation program looked forward, but it did not look back at its own history. Helium had always been linked to the Bureau of Mines. It was a public good, and a munition. As a natural resource worth the government's money, it also had been controlled for the benefit of all. The Bureau of Mines possessed the only long-term experience in helium extraction. But in spite of these traditions, the 1960 Helium Act amendments stipulated that private corporations would contract with the government to produce the helium for storage.

This departure reflected the Eisenhower desire to make government more free enterprising. The idea of contracting out the helium stockpiling was just one of several measures enacted to insure that its procedures would be, according to preliminary reports on the program, "businesslike." A report of the House

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"What started out being 'businesslike' ended up being merely good for business."

Committee on Interior and Insular Affairs said this approach would "give reasonable opportunity for and encouragement to the growth of a privately-owned and operated helium industry and thus keep the costs of the government program to the minimum . . . ."

It soon became apparent, however, that "businesslike" extended only to the idea of the contracts, and not to the contracts themselves. They were more welfare-like. The Bureau signed with four companies: Cities Service Helex, Phillips Petroleum, Northern Helex Company, and the National Helium Corporation. Each of the contracts was good for 22 years and was not renegotiable regarding the price paid for the helium produced, even though evidence suggested that new technology would greatly reduce costs of extraction. No bids were taken on these contracts, and they included no cancellation provisions. The four contracting companies would be paid about $12 a cubic foot. The four contracts were signed between 1961 and 1963. When they became public, the General Accounting Office charged that helium conservation was a "windfall" for the contracting companies. As time passed, the windfall grew. The companies soon learned to cut production costs from around $9 per thousand cubic feet to about $7, realizing a $5 profit on every thousand cubic feet. And the contracts guaranteed them 62 billion cubic feet of production over the 22-year-period. "One company is making a 100 per cent profit," a helium expert says. Such arrangements undoubtedly make helium seem not only important, but indispensable to the future of mankind.

The government was doing as poorly as the companies were doing well. The arrangement was that the Bureau of Mines would spend $47.5 million a year on purchases from the four contracting companies. Part would be paid out of current helium sales, from the Bureau's own plants, and part from Treasury loans. At a four per cent interest rate, it was calculated that the Bureau would incur early debts, but that these would be erased through increased helium sales. The conservation program was supposed to pay out by 1985, with the 62.5 billion cubic feet free and clear in the stockpile.

But this financial maneuver depended on the stability of several very unstable variables. The first was interest rates. At four per cent, a thousand cubic feet of helium would cost, by 1985, around $40. At 10 per cent, the same amount would cost $200. Another factor was the Bureau's optimistic demand curve. If the missile and space programs, which were consuming roughly 50 per cent of the yearly helium supply, reduced their demand, then Bureau sales would slacken and it would be forced to take out more Treasury loans. The program was also self-contradictory. If the Bureau sold more helium, it meant there was less to conserve, but more money to pay for conservation. If it sold less, there would be more helium to stockpile, but less money to purchase it. The government was in the absurd position of having to consume more now to be able to have more later.

Whatever amount of existentialism it took to understand this arrangement, it might have worked, provided that the government could have sold its helium at the artificially high price of $35 per thousand cubic feet. While the Bureau had sold its helium for between $15 and $20 in the past, the new $35 rate was set in 1960 to pay for the stockpile. When other government agencies bought helium, then, they were to pay not only for

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"We were squandering today what we were storing up for tomorrow."

present value, but also for the costs of the Treasury loans and the stored helium. This price, crucial to financing the new program, could be maintained, however, only if the Bureau had a monopoly on helium sales. Elmer F. Bennett, Acting Secretary of the Interior, told a 1960 House hearing that "if any part of the helium market should be supplied by direct sales from private plant to consumers, the pay-out plan [for conservation] would be jeopardized accordingly." His warning corresponded with a 1955 preliminary report which said: "It would be necessary to prohibit private production of helium if monopoly pricing were to be followed. This is so because the price would be so high as to attract private competition."

Free enterprise, so far, was only in the business to sell helium to the government. But some members of the 1960 Congress did not believe that that plan was "businesslike" enough. Monopoly pricing, after all, discouraged competition, and Senator Robert S. Kerr of Oklahoma didn't like to be discouraged. Through his efforts, the Kerr amendments to the helium program were enacted. The most important one, in the words of a House report, "emphasizes the need to foster individual initiative and avoid government monopoly in helium production and distribution." Robert Kerr also liked to put his money where his mouth was. By 1961, the first private helium plant in over four decades was open for business in Navajo, Arizona. It would produce 65 million cubic feet a year, and sell in competition with Bureau plants. It was owned by Kerr-McGee Oil Industries, Inc. Senator Kerr's example did not go unheeded. By 1968, there were seven private helium companies competing directly with the Bureau plants. These companies easily undercut the government's $35 price—selling at $20 they still made generous profits. Together, they were producing about 735 million cubic feet of helium a year, almost equalling total Bureau production. And they had captured 45 per cent of the helium market, most of the sales being to government agencies.

When those other government agencies bought the cheaper private helium, they were thereby increasing the total budget costs, since any loss in Bureau helium sales forced the helium program farther into debt. The Secretary of the Interior wrote a letter to the agencies, obligating them to buy helium from the Bureau. A court injunction, brought by the private companies, invalidated that obligation. Since most helium-using federal projects were farmed out to private industry anyway, the government couldn't force those private contractors, in NASA for instance, to consume Bureau helium. That would, of course, jeopardize free enterprise. So the Bureau tried persuasion. "We approached the agencies," said Lipper. "We tried the Defense Department. They wanted to cooperate. But they actually couldn't locate their helium sources through the secondary contractors. It was like a needle in the haystack."

The helium program was, as Senator Kerr intended it to be, enterprising. The case of Cities Service illustrates the multifaceted benefits it presented. A subsidiary of Cities Service—Cities Service Helex—was formed to provide the government with conservation helium, making a nice profit on the $12 government buying price. Then Cities Service opened its own private helium plant, undercut the $35 price, and gained both on conservation and current sales. Understandably, the balance sheet of helium conservation cannot support too much of such individual initiative. Finally, Cities Service contributes to the Helium Society,

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to assure that such a valuable addition to man's resources won't be squandered because it is losing money for the government.

What had started out being "business-like" ended up being merely good for business and bad for the budget. By 1968, the Bureau indebtedness to the Treasury amounted to $148 million, including $20 million in accrued interest. That in itself was not alarming—but Bureau yearly sales had dropped from $27.2 million in 1966 to $18.7 million in 1968. The Bureau had, through lack of sales, accumulated one billion cubic feet of extra helium for conservation—but that amount had cost approximately $40 million. Helium demand had also off because the Defense rockets now used solid fuel instead of helium. If NASA pulled out of liquid fuels, the entire helium market would crash. As it was, according to Lipper's presentation in the House, "the program cannot pay out at the current level of income."

Besides the dismal economics of the program, eight years had changed the status of helium as a commodity. Cheaper methods, introduced by the new private helium industry, made it possible to extract helium not only from natural gas fields containing .9 per cent helium or above—as in most of the Hugoton—but from those containing as low as .4 and perhaps even .3 per cent. At the same time, the growing air separation business (principally for oxygen and argon) meant that the costs of getting helium from the air itself might be reduced, especially if helium were extracted along with the other gases. If this process were perfected, there would be a plentiful supply of helium.

There was, also, the gas field at Tip Top, Wyoming. The natural gas at Tip Top was not of marketable quality and therefore was not going anywhere. But tests showed that it contained helium—the Bureau estimated 15 billion cubic feet, although this figure has been questioned—and was therefore a ready-made conservation reservoir. All the Bureau had to do was leave it alone. Accepting the Bureau estimate, Tip Top was an instant five or six years of helium conservation. The Tip Top discovery, in 1961, was important beyond itself. It meant that there might be vast amounts of helium stored in the ground that had never been discovered. Helium conservation, the Bureau admitted, was undertaken before anybody had really looked for helium itself. Helium was valuable, but it had never been important enough to search for. Tip Top made people think such a search might produce rich new deposits that would make conservation absurd.

We were, then, squandering today what we were also conserving for tomorrow. We were paying for a stockpile that nobody knew would ever be necessary. And given the new developments in an eight-year span, what could be expected in the next 50? Would saving helium for the year 2000 be what saving horseshoes for 1970 would have been at the turn of the century? Wasn't there some other vanishing resource that could benefit from $47.5 million a year?

These are some of the questions the Bureau asked itself in 1968-70. In spite of the fact that it had helped engineer the helium program, it seemed ready to scrap it now. This was, after all, the age of Robert S. McNamara's cost-budgeting studies, and key members of the Bureau were convinced that if helium couldn't be reformed, then nothing could. The Bureau of Mines had commissioned several studies that proved the point. The first, written by Lee Preston, then a professor at Berkeley, and David Brooks, then his research associate, accepted the need for the helium program but criticized the financial plan. That was in 1964. By 1969, however, Kenneth F. Anderson, special assistant to the Assistant Secretary over the Bureau, suggested the "cancellation alternative." Later that year, in testimony before the joint economic subcommittee on economy in

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government, Preston reversed his earlier position. "In the light of all these developments," he said,"it is evident that the whole status of the helium program must be reconsidered." The Bureau's pursuit of its own program was so relentless that a National Academy of Sciences report that called for expansion of the helium stockpile was, after Bureau objections, later reworded to advocate merely a reevaluation.

But helium had very different properties, depending on whether you looked at it from the Bureau of Mines, or from the Phillips Petroleum Company. The differences became clear at the subcommittee testimony last September. The first day of that two-day hearing belonged to Lipper and Dole. Drawing from the Bureau studies and work by John O'Leary, its director, David Brooks, now its chief economist, and William Vogely, they presented the program's bleak present and dim future. That day, helium demand in 2000 was seen to be no more than two billion cubic feet, new discoveries were a worry, the program was insolvent, and there was general cause for concern.

The next day, however, helium improved. W. L. Culbertson, of Phillips Petroleum, said no new helium sources had been developed in the past 10 years, that new technologies were not significant, and that demand in 2000 would reach five to 10 billion cubic feet. "Continuation of the helium conservation program," said Culbertson, "is by far the surest and most economical way to provide the helium required for the defense of the United States and the growth of its economy."

With the passing of time, the Culbertson view seems to have seeped back into the Bureau of Mines. The old pessimism is gone, and so is O'Leary, who was recently fired as director. Brooks, who has been stripped of his title and authority, still hangs around the Bureau, but his research staff now works under the Assistant Secretary. Vogely was shuffled off to the Internal Revenue Service.

The helium comeback can be felt through Harold Lipper, the Bureau official in charge of the program. Although its future is in limbo at the moment, and Lipper is making no public conclusions about it, already it is clear that the Bureau is backing away from the anti-helium views of the former staff. When asked about helium demand in the year 2000, Lipper now cites the Stanford Research Institute figure of five billion cubic feet—before he mentions the Bureau's own figure of two billion. When confronted with his old reasons why helium should not be saved, Lipper says, "I guess we have a different attitude toward our natural resources."

At the same time, a kind of helium revival is happening down at the Helium Society. In March, at their first annual meeting, Dole, the Assistant Secretary who went to Congress with Lipper in September, is there to introduce Henry Wheeler, once a Bureau assistant director for Helium, who helped get the amendment passed in 1960. Wheeler, according to Dole, will discuss "a little publicized, but extremely important product." Wheeler's speech, a nostalgic defense of the program, along with a speech made by scientist and helium pioneer Clifford Seibel, are inserted into the *Congressional Record*.

The helium revival has a different flavor from the old 1960 helium harangues. What was originally viewed as a practical, economic program, justifying the acumen of hard-nosed enterprise, is now more like the vanishing eagle. If helium needed a Carnegie, it now could use an Audubon. The word "conservation," once a misnomer, has now become an asset to the helium program. Ecological respect, it seems, requires the Helium Society to protect this "valuable resource" from those near-sighted people who would squander it.

Such support is probably reassuring to those who thought that government and industry would be incapable of turning on to any conservation program. On the other hand, helium isn't exactly the kind of conservation most people had in mind on Earth Day. ■

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The Great Wind Machine

by Bruce J. Oudes

The sight of a wheel rolling off into the desert is of distinct interest if it is one of four carrying you to Nouakchott, the capital of Mauritania.

It happened the visit was a goodwill, more correctly a misguided will, mission. The occasion, replete with rising sandstorm, provided time and conditions for a unique reassessment of the heavy cargo, principally hundreds of pounds of pamphlets explaining the American way of life, which had contributed to the breakdown.

My companion, who had been sent from Washington to see if the United States Information Agency (USIA) was hitting the "target" in West Africa, blew the sand off a brochure on the American economy, one which described the marvelous Detroit motor vehicle, and broke up laughing.

On another occasion, the scene was the Congo and my companion was an American newsmagazine correspondent. We spent a rather wry afternoon driving around the precincts of Katanga distributing a station-wagon load of American-produced "get out the vote" leaflets in Swahili in preparation for an election which, to no one's surprise, ratified Moise Tshombe as the Congo's Prime Minister.

Any officer in USIA has a store of such stories. They are rooted in the frustration of determining the message, the audience, and how the audience is supposed to react to the message. Much of the time there is a gnawing suspicion that whatever the project of the day might be, you're participating in a giant charade, a hoax.

Bruce J. Oudes served with USIA overseas from 1961 to 1965 and is now an International Reporting Fellow at Columbia University.

"Why was I hauling those pamphlets across the Sahara? . . ."

"What am I doing here?" is a question that often intrudes in the mind of the USIA officer as he goes about his appointed rounds. Why was I hauling those pamphlets across the Sahara? In time the two of us delivered our "freight"—the agency term for its message—to the American Embassy in Nouakchott, and it was duly distributed to its Mauritanian audience. Yet it is hard to imagine that any minds were altered by our pamphlets, either among the illiterate nomads who make up most of the population, or among the tiny literate ruling class, whose ears are tuned to Cairo and Paris. Certainly our message did not prevent Mauritania's rulers from breaking relations with the U.S. during the 1967 Arab-Israeli war. And why was I hustling votes for Moise Tshombe in the Congo? Tshombe won the election with American help, but not because of anything USIA did; the constituency that mattered was the white mercenaries, who voted with their guns, and the kind of U.S. help that mattered was money and arms, and planes supplied by the Central Intelligence Agency. If we won any votes in Katanga, which I doubt, they weren't counted—that's not how power is won and lost in the Congo. Thus the USIA officer's self-criticism

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> "... And why was I hustling votes for Moise Tshombe in the Congo? ..."

centers around feelings of futility: harmless in Mauritania, but distasteful in the Congo.

The agency that sends its people on such missions is a 17-year-old cold war hybrid, the descendant of the World War I George Creel committee and then in World War II the Overseas Operations Branch in Elmer Davis's Office of War Information. At the end of the war OWI was transferred to the State Department where William Benton, the advertising man, later a U.S. Senator, nursed it for two years. As the cold war got underway, Benton's office drafted a bill which became the Smith-Mundt Act and put propaganda permanently into the American defense arsenal. Under the Eisenhower Administration in June, 1953, John Foster Dulles rid his beloved State Department of the dirty linen of propaganda work and the name U.S. Information Agency was born. The USIA budget passed the $100 million mark during the Eisenhower years and floated up to its present $175 million mark during the two subsequent Democratic Administrations.

Today USIA produces 66 magazines in 27 languages. Its Voice of America broadcasts 932 hours weekly in nearly three dozen languages using 104 transmitters with a total of 19 million watts. It has assisted foreign book publishers in producing more than 120 million copies of over 14,000 editions since 1950. It operates more than 200 libraries visited by 20 million or more persons annually (down from over 31 million in 1955). It radiotcletypes abroad a 10,000-word daily file of Administration statements and packaged stories ready for foreign newspapers to plunk in their columns. It does all this with a staff of 2,139 Foreign Service personnel, a total which will be reduced to about 1,760 by mid-year by Presidential order. Foreign Service personnel, however, are substantially outnumbered by the 2,410 permanent Washington-based employees who try to communicate America to a world they never see.

USIA produces a lot of noise. Whether that noise wins any hearts and minds out there is a question to which, fortunately for the agency, there is no statistical answer—for propaganda, unlike soap, cannot be measured in bars sold. True believers in the agency proclaim its success, their reasoning based on the most powerful of arguments: without USIA, they would be out of a job. The absence of evidence is turned into an asset. Thus, Edward R. Murrow, when he was USIA director, to Congress: "No computer clicks, no cash register rings when a man changes his mind or opts for freedom." True enough, and it is equally true that no computer clicks, etc., when a man *doesn't* change his mind or when he opts for freedom from noise by turning off whatever message the agency is beaming at him. It is, indeed, hard to avoid the suspicion that

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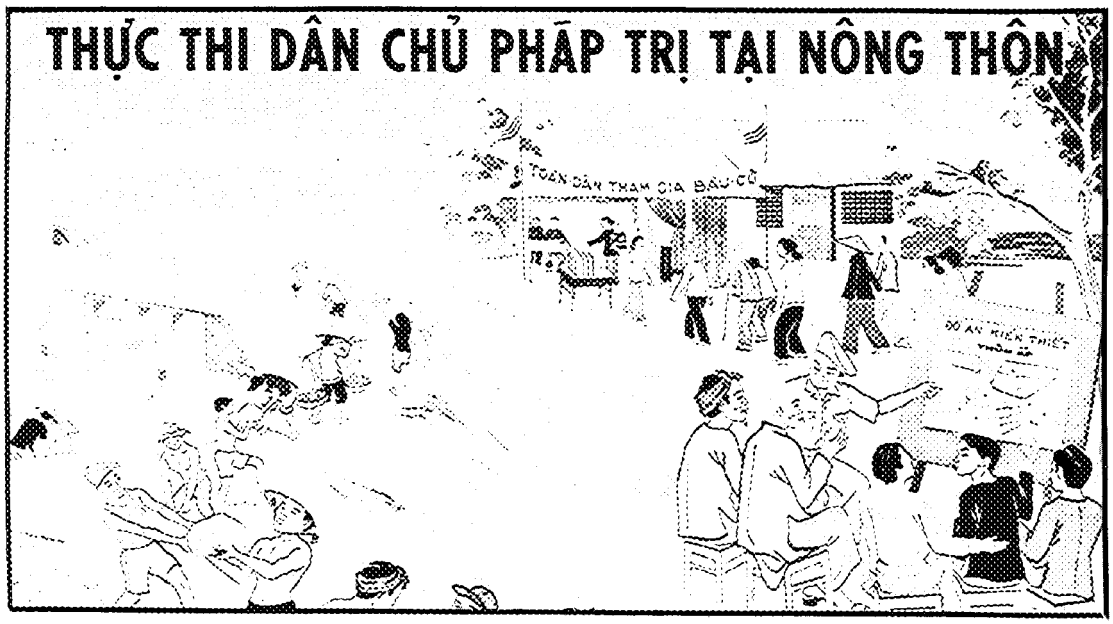
VIETNAM AS SEEN THROUGH USIA GLASSES

"The South of Peace and Happiness" (left)

"Establish Legal Democracy in the Rural Areas" (below)

(Posters distributed last winter in South Vietnam, with sample copies to six Psychological Warfare Posts.)



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without the USIA the course of recent history would have been the same, except a bit less noisy. An environmentalist would condemn the agency on charges of word pollution.

Word pollution is a seriocomic reality to the USIA man overseas, flooded as he is by a kind of international junk mail which he must try to foist off on the natives. If he has any concern for the welfare of his audience, he consigns most of what he gets to what is known in the agency as the "circular file"—the waste basket.

When he was Ambassador to India, John Kenneth Galbraith was subjected to the agency product. He described it in his diary for May 2, 1961: "The Washington USIA is horrible. Day after day it belches out dreary and boring attacks on the USSR and China in the most repulsive and stinking prose. Nothing could do more to promote neutralism, or anyhow total inattention." Despite frequent cosmetic reassessments, nothing in the intervening nine-plus years invalidates that description.

"Each morning, over the air, comes the day's American story," Galbraith wrote President Kennedy. "I can no longer read it for simple reasons of health; five minutes of this wireless file and one loses his breakfast and cannot eat the rest of the day. In two weeks it caused me to lose 20 pounds and I have prescribed it for the Saudi Arabian Ambassador who is badly overweight."

In my years with USIA, out of the welter of dreary, hackneyed stories we received overseas, one remains in my memory as typifying the essential silliness of the message I was supposed to feed to the local media. An editor in Washington found a report of a conference on world peace through law that he apparently decided portrayed the U.S. as a peace-loving nation and therefore should be peddled as "news." The "story" quoted the report as saying that 24,000 international treaties had been drafted in the past 20 years. "This represents 80 per cent of all treaties drafted throughout history and indicates a heartening trend toward the avoidance of disputes between nations through resort to treaties." A recent USIA product is the film "The Silent Majority" which was distributed following the November 15 anti-war march in Washington. It was but another in a long line of "policy" films produced by first-rate technicians who have all too little experience abroad. Therefore, the film was produced with a domestic audience in mind more than anything else, a characteristic fault of many USIA productions. The reaction of a non-American to the film is predictable: "The American Embassy wants me to see this film. It says most Americans support President Nixon's Vietnam policy. Hmmm. There must be a lot of Americans who don't support his policy, otherwise they wouldn't have gone to the trouble of making the film." The smart USIA post abroad will not show the film, but will have the political acumen, since it is politically hot, not to be too critical in reports to Washington of what obviously is a sensitive subject. At one point, when only 26 of 106 overseas posts reported screening the film, still fewer posts, 17, reported that they had *not* shown it; the majority of the agency's posts maintained a tactful silence.

Considered together, the USIA products give one the profound and ironically accurate impression of a country that is trying too hard. The image is not of a nation that is mature, relaxed, confident, capable of taking care of itself and inspiring confidence in others—but rather of one that is young, nervous, uncertain, defensive. It is of course demeaning for the United States government to hustle the votes of the silent majorities from Hong Kong to Ecuador. More than that, the agency's frenetic efforts to win foreign votes for policies already decided upon by the United States give the deceptive impression that the people of those countries do somehow have a say in what America does. When this inevitably proves to be untrue, the backlash of foreign anger is likely to be directed at the propaganda agency,

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which may be why the USIA's libraries are the preferred target of foreign rioters intent on expressing a hostile opinion of the United States.

Discerning the purpose behind all this sound is not easy. At the agency's Washington headquarters at 1776 Pennsylvania Avenue (the street number was changed when USIA moved in), there is a plaque bearing the statement "Telling America's Story Abroad," a slogan that cries out for a graffito reading "It Floats!"—particularly appropriate since the present director, Frank Shakespeare, used to work for Procter & Gamble. But telling America's story abroad is a job already being done by the press, both American and foreign; indeed, no nation is as well covered by the media as the United States. The trouble with the media, in the view of USIA, is that they fail to put events in "context." As the Vice President has observed, the media tend to stress bad news over the good. When, for example, the National Guard kills ghetto rioters, the media focus on the number of dead, overlooking the much greater number of Americans—about 200 million—who were not killed that day. The purpose of USIA, then, is to put events "in context" for the foreign audience by shipping out backgrounders, interpretation, and "in depth" analyses. What emerges is a fill-in-the-blank litany reading something like this:

> President John F./Robert Kennedy/Martin Luther King was assassinated/ blacks rioted in American cities/American soldiers killed Vietnamese civilians/ yesterday but the vast majority of Americans are law-abiding citizens who do not/murder their leaders/ riot/kill foreign civilians/ and therefore they support their President and the program of bringing them together/rehabilitating the cities/ finding a just peace in Vietnam/will continue.

Despite such efforts to put America's story in its proper context, USIA is losing ground in the contest for the world's eardrum. The revolution in communications technology has multiplied the means of reaching the audience, leaving the agency, in the words of Dr. Robert Delaney of the Fletcher School of Law and Diplomacy, as a "declining public information voice in a welter of competition." The agency has lost influence even within its own government. During Democratic Administrations, its director sat on the National Security Council, where he could advise on phrasing the American story—but no more, to the regret of Frank Shakespeare, who, in answer to a question about what he would want for his agency, replied: "The USIA Director should sit on the National Security Council."

If you measure where USIA puts its effort, you get the impression that the agency's mission is to Tell the Story not of America, but of America's client governments. Nowhere in the agency's various statements of mission is there specific mention that USIA should try to influence the *domestic* politics of a host country. Yet some of the agency's biggest operations have been in the Congo, Thailand, Laos, and above all Vietnam: countries where the U.S. has been heavily involved in supporting a local government. USIA's brass in the past has fought with other agencies for recognition of the notion that since it has expertise in convincing people of the rightness of the policies of the American government of the day, it should have responsibility for efforts to convince these same host country citizens of the correctness of the policies of their own government of the day. USIA virtually ran the Congolese Ministry of Information while Tshombe was Prime Minister. USIA's empire-building in Vietnam reached its zenith in the 1965-67 period when its agile director in Saigon, Barry Zorthian, managed to bureaucratically capture overall coordinating responsibility for

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the psychological warfare effort. The agency poured in so much of its limited resources that at one point it had more officers in Vietnam than in all of Africa. Ultimately, however, USIA, lacking the muscle of the Pentagon, had to relinquish control to the military.

USIA simply is not geared for the secrecy necessary to provide tactful propaganda support to a client government. Its efforts in the gray and black areas, if they become known, ultimately destroy whatever credibility it might have in its open and attributed propaganda. But USIA is a loud-mouth organization that has found it impossible to conceal its comparatively innocuous activities, like the books it has commissioned and the paperback editions and films whose overseas distribution it has subsidized, supposedly in secret. Numerous news stories in the U.S. press have blown the cover on these activities. Lyndon B. Johnson personally blew one himself in 1966 when he revealed to the African diplomatic corps that USIA had produced a new volume on African art that he was presenting each of them—the book billed itself as a private-market publication, with no indication of government subsidy.

USIA's origin in times of war and cold war is doubtless responsible for the agency's curiously old-fashioned style. The 1960's passed unnoticed at the information agency. When the agency goes after heart and mind, it comes on like those pitchmen who dominated the early years of television; word that the soft sell is now in vogue has not reached headquarters. The agency's political style—ferociously anti-communist, terrified of Congress—owes a great deal to the late Senator Joseph McCarthy. McCarthy terrorized USIA during its early days, and the agency seems never to have recovered from that infant trauma. Especially in its choice of books not to put in the shelves of its libraries, USIA acts as if McCarthy and his investigators, Roy Cohn and G. David Schine, were still peering over its shoulder. This gives the agency an antique flavor that is not without a certain charm. Where else but in USIA can you find officials who think that James Baldwin is too black to be read by Africans, and Norman Mailer too raw for Europeans?

"In two weeks it caused me to lose 20 pounds, and I have prescribed it for the Saudi Arabian Ambassador, who is badly overweight."

J. K. Galbraith

People who work for USIA are frustrated for reasons that go beyond the futility of the agency's mission (a thought against which most succeed in insulating themselves). Anyone who joins USIA has professional aspirations in one of three directions: he conceives of himself as a professional diplomat, a journalist, or a cultural administrator. Under the USIA system, he becomes a bit of each but never enough of any one to satisfy his aspiration for professionalism. To a journalist or cultural administrator, a career within the confines of policy guidance cannot be anything but frustrating. Few talented people, told to run a U.S. library abroad, can be happy when they must portray U.S. culture not through book orders based on *Books in Print*, but rather from a sanitized list pouched periodically from Washington. Similarly, a career diplomat feels silly trying to place propaganda in the local press or playing nursemaid to visiting musicians. Although USIA says it can't give precise figures, it is no accident that one-third or more of those young officers who enter the agency resign after

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five years or less. USIA's standard defense is that those who leave couldn't measure up in the heat of the diplomatic forge. It is nearer the truth to say most leave to escape a torporific warmth that saps creativity.

The agency's separate-but-unequal relationship to State is particularly resented by those with diplomatic ambitions. The younger USIA officers were recruited, and in part trained, jointly with the State Department. They took the same Foreign Service exam as their State colleagues, becoming second-class citizens only when they checked the wrong box on the question asking whether they would rather work for USIA or State. Now they find their upward mobility blocked, because they are at a disadvantage in competing for any diplomatic post higher than public affairs officer. Only two ambassadorships are held by career men who came up through USIA rather than State.

"Hell, I'm not inferior," one of my former colleagues remarked. "I want to be an ambassador some day but it's highly unlikely I ever will be as long as I'm wedded to USIA as an organization with its own personnel system."

Those who resent the agency's outdated ways have formed the Young Officers Policy Panel (YOPP), dominated by career officers under 35 years old. The movement began spontaneously as a revolt against a new and particularly saccharine training program that brought them back to Washington and ghettoed them off together for an extended period—as it turned out, long enough for them to collectively realize that they were profoundly disturbed by what they learned in their first several years abroad with USIA.

One YOPPie said recently that the movement's success depends on taking advantage of the "old cold warriors' massive inferiority complex." An early problem for them has been internal communication. When they let it be known they planned to start an "underground" publication of their own, agency executives quickly granted them space in the official house organ, "USIA World." Thus, while morale among top-ranking USIA officers is at an unusual low, partly due to the decision to eliminate mostly older officers during the personnel cutback, younger officers are feeling their oats for the first time in USIA's history. YOPPies also make it clear that theirs is an establishment revolution. They have obtained Shakespeare's blessing, and as long as he continues to remain open to their suggestions and moves in what they consider the correct general direction, they say they do not intend to cross him. However, several YOPPies indicate that if things do not change, they will back up their "demands" by quitting while they are still young enough to get a challenging job outside government.

In all fairness to the much-criticized Shakespeare, his merits or lack of them are not relevant to a critique of USIA. If he is like his predecessors, he will spend a great deal of time studying the agency's problems, make a few cosmetic changes, and then move on to another job.* The only memorable USIA director will be the one who executes a Presidential and Congressional mandate to execute USIA.

Shakespeare, in fact, deserves a bit of sympathy for the unwarranted inferences in the press that he is trying to change the fundamental role of USIA. The advent of the Nixon Administration and Shakespeare "has added a new dimen-

* The recent instruction to overseas libraries to order "conservative" books if their existing collections are "preponderantly liberal" was a classic cosmetic gesture. The library shelves are not preponderantly liberal, nor conservative for that matter; they are preponderantly bland. The library directors may or may not order the conservative gospel; they may or may not display what they order; in no case can one imagine that world opinion will be affected. The real "target" audience for the order was conservatives in the U.S. who would presumably be pleased by reading the news stories about Shakespeare's action.

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sion to the agency's dilemmas," *The New York Times* wrote. "This dilemma, and the latest USIA controversy, is whether the information agency is to speak to the world as the voice of the United States or the voice of the Nixon Administration." That, of course, is nonsense: there is no new "dilemma" under Nixon. The agency has never been the "voice" of the United States, only of the United States government, and what that voice says is dictated by its internal characteristics and by the pressures of Congress and the Administration currently in power.

Although USIA does not lack for would-be reformers—Shakespeare, the YOPPies, a host of outsiders—what they have to offer is simply tinkering with the existing organism. The reforms they propose do not go to the heart of the matter, which is that USIA is offending the eyes and ears of the world with a flow of propaganda that is at best harmless, sometimes dangerous, and always embarrassing to the citizens of a supposedly adult nation. The only way to stop that flow is to turn off the faucet: abolish USIA.

Abolition of the agency does not necessarily mean that all of its functions would be abolished. Three activities might survive the abolition, although at a much lower noise level: a reformed Voice of America, cultural relations, and public diplomacy in the State Department. The first two must be detached from policy guidance by being placed under the control of autonomous corporations, while the third simply means that State would perform what little is worthwhile in USIA's overseas information operations.

The rationale for government-financed broadcasting lies in the fact that nearly one per cent of the American population is abroad as government employees, including the military and their dependents. In addition, perhaps a million more Americans are abroad in private roles. These three million or so Americans, as well as foreign audiences, deserve an intelligent external U.S. broadcast service. There are still many countries that censor incoming mail shipments of newspapers and magazines and "selectively edit" the international wire services before distribution to their local press. Thus, only in international radio broadcasting can a listener be certain that he is getting the entire message, and all the messages, that the sender intends. Intelligent people in most parts of the world rely on the BBC as the most disinterested international news broadcaster. Surely, however, there is room for competition from the U.S., a sort of international Huntley-Cronkite.

Present U.S. broadcast policy originated in wartime. The Voice of America broadcast first in German. Its message to the German people was that the Yanks were coming, keep the faith. In one way or another it was preaching. At the same time the U.S. military recognized the need for "troop information and education" to be carried in its radio broadcasts to American soldiers to counter Axis Sally and Tokyo Rose. It was an easy step then to set up post-war broadcasting along similar lines: one broadcast for foreigners and another for American soldiers abroad. Since Congress wouldn't stand for any possibility that U.S. propaganda might be beamed at Americans, it was logical that VOA broadcasts overseas could not be beamed at Americans overseas.

Foreigners were to listen to propaganda as embodied by the VOA, while American forces abroad were to listen to the whole truth, embodied in the Armed Forces Radio and Television Service (AFRTS). Conveniently ignored was the fact that both broadcast on the same bands. The mere existence of AFRTS confirms to the foreign listener that in VOA he is getting some special package beamed at him and not Americans and therefore, of course, a less credible one. Meanwhile the G.I. who happens to pick up a VOA program can't help but think what strange and different people foreigners must be if they listen to all that stuffy VOA broadcasting. AFRTS, for its part, contributes to the world stereo-

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type of the parochial American. Its treatment of world news is of the depth you might expect from a five-watt "rip and read" radio station in the Corn Belt.

The distinction between foreign and U.S. military audiences would disappear if the present VOA and Armed Forces radios were merged into a single operation. Congress, in accepting the principle of publicly funded domestic television, has paved the way for the new Voice to be the external service of the Corporation for Public Broadcasting. Its main competitor, the BBC, is also funded by a parliamentary grant and is independent of day-to-day policy control.

The BBC external service was analyzed last year by Britain's review committee on overseas representation headed by Sir Val Duncan. "Because of its independence from government control, which indeed is its main asset in maintaining overseas listeners' belief in the credibility of its news reporting and comment," the Duncan report says, "the BBC, in our view, should continue to be regarded as one of the most effective means of projecting British news and views, and should certainly have a high priority compared with official printed publicity and hand-outs."

Similarly, cultural affairs—most notably, the USIA's libraries, exchange visits, English-teaching overseas, and so on—should be detached from direct government control. Once again, the model is found in Britain: the British Council, which functions much like the BBC. Summing up its review of the British Council, the Duncan committee wrote that it should not "be regarded in any way as a mouthpiece for government policy. To attempt to use it in this way would undoubtedly detract from its status as a cultural organization whose activities are independent of the control of the government of the day."

On this side of the Atlantic, this concept of liberating culture has been widely discussed and endorsed over the years by many people, including at least two former assistant secretaries of state for Educational and Cultural Affairs. At the forefront of the movement are USIA's two Congressionally created watchdog bodies, the Advisory Commissions on Information and Cultural Affairs. Their handicap is that, as full-time news executives and academics, they devote but a fraction of their time to the agency, and therefore they operate on instinct more than any solid operational experience with USIA.

During the Johnson Administration, one of the schemes before the Rusk commission, set up in the wake of the publicity about the channeling of CIA funds to private organizations, would have done much the same thing. Known as Alternative IV, the proposal would have involved creation of a quasi-public commission controlling an organization that would have administered all international, cultural, and educational matters, including USIA libraries.

The details of each of the many schemes proposed over the years differ, but the one point on which they are all most hesitant is whether cultural programs can in fact be untied from propaganda. They seem afraid to approach Congress, afraid that it would never understand the notion that the best propaganda is no propaganda.

Yet Congress long ago established the precedent of a federally-funded, independent cultural body when it created the Smithsonian Institution. The Smithsonian is not without its own problems, but it does serve as a useful model. Private funds are mixed with federal funds. Thus, U.S. cultural programs might be associated directly with it as an international division. Alternately, Congress might prefer to link the international cultural programs with a new National Library. A possibility of considerable potential is that the Smithsonian-type organization would be a suitable vehicle in expanding cultural ties with the Soviets and Eastern Europe, countries which do not now permit a USIA presence separate from that of State.

Operationally, the depoliticized cultural organization would include all USIA libraries and bi-national centers,

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the English-teaching programs now scattered through several government agencies, and all exchange-of-persons programs now handled by State with the exception of those involving government VIP's. The center director should not be part of the American Embassy's "country team" and should not have diplomatic rank. His status would be something that he, perhaps with his British Council and Alliance Francaise and other cultural colleagues, might negotiate with the host government. The cultural organization should have close ties with American universities and foundations, and its personnel should be encouraged to rotate in and out of academe.

All remaining information and research activities, together with qualified personnel, should be absorbed into the State Department. When the USIA library becomes honest, the USIA officers who now are physically located on the library premises would move back to the chancellery. These would be the public affairs and information officers. Their jobs would be on a par with other embassy jobs such as political, economic, commercial, consular, and administrative work. Public affairs and information officers would be charged specifically with the responsibility of presenting the policies of the U.S. government to those of influence or potential influence who are not formulators of host country policies—in other words, those that the Ambassador does not routinely see. These officers would serve as the Ambassador's press representatives. The public affairs officers would no longer be burdened with responsibility for periodic mass mailings around the country, trying to "place" as many inches as possible of wireless file copy in local papers, organizing a large-scale program of film showings, and in general concentrating on the mass approach to communications.

Meanwhile, the "stinking prose" of the wireless file would be eliminated. This radioteletype bulletin would be moved back to the State Department where it originated in 1935. It would be prepared by State's Bureau of Public Affairs and would include texts in English and translation, a summary of the Department's daily noon news briefing, a domestic news summary, and material of regional significance. This would be part of the background material supplied to embassies primarily for their own information rather than for propaganda.

"The only memorable USIA Director will be the one who executes a mandate to execute USIA."

These modest proposals, it should be stressed, are far less important than the primary goal of abolishing the information agency. If the reforms cannot be done well—if, for example, broadcasting and cultural activities cannot be detached from policy control—then it is far better to abandon them along with the rest of the agency's activities. This is a case where it is more important to get rid of the bathwater than to save the baby.

USIA must be abolished for reasons that are essentially aesthetic, not political. We are too mature a people to allow ourselves to be demeaned by the silly huckstering of propaganda, and in a noisy environment everyone owes his fellow creatures a moment of silence. There could be no better time to silence USIA than in the Administration of the man who came into office advising us to "lower our voices." When President Nixon tears down that plaque reading "Telling America's Story Abroad," he might well substitute for it the maxim: that nation sounds best that blathers least. ■

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A Senator's Day	**by James Boyd** The most pressing business in the Senate has little to do with lawmaking.
Behind the Scenes and Under the Rug	**by Howard E. Shuman** The Douglas Commission's life and hard times. Starring: the American city. Featuring: Paul Douglas, LBJ, Robert Weaver, Joe Califano, Robert Wood.
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Whatever Happened to OEO?

by Mark R. Arnold

A few months ago, when Donald Rumsfeld, the trim and neat young Director of the Office of Economic Opportunity, issued his famous order to OEO employees to stop using the term "the poor" and use instead "low-income individuals" and to abandon such Democratic holdover phrases as "anti-poverty" and "War on Poverty," his action seemed heavily symbolic to many long-time friends of the OEO who had suspected for a year that the Nixon Administration's real strategy for eliminating poverty was to euphemize it out of existence. Rumsfeld subsequently rescinded the order, of course, but he has not been able to do away with the suspicions, which in the first instance were a response to Presidential, rather than Rumsfeldian, rhetoric. It was the President's observation in February, 1969, that the agency should be an "incubator" of experimental programs—in other words that it should run a laboratory and not a battlefield—that first alarmed those who supported the way the OEO, for all its extremely visible faults, conducted its business during the Democratic years. They perceived that modus operandi as a commitment by the federal government to help the economically disenfranchised directly and aggressively. Rumsfeld's critics say that the "incubator" talk is

Mark R. Arnold is a Washington newspaperman who has followed the anti-poverty program since its inception.

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double talk designed to hide the Administration's deliberate, politically- inspired insensitivity to the here-and-now problems of the poor. Some go so far as to talk about a "hidden agenda," which means they believe that Rumsfeld has been given a secret mission to preside, with as much expedient unobtrusiveness as possible, over OEO's demise. The chief lasting change in the lot of the poor that such cynics see occurring under the Nixon Administration is that instead of one federal agency, however feeble, with a direct mandate to deal with poverty, there will be none.

Of course Rumsfeld and his defenders have some points, too. One is that the $2 billion a year Congress doles out to OEO to serve 24 million citizens below the arbitrary income level of $3,600-a-year per urban family of four, and $3,000 per rural family, could hardly finance a skirmish against poverty, let alone a war on it. And beyond the mere matter of not repeating the mistakes of the past—the rhetorical overkill and the confrontation tactics that almost caused President Nixon to abolish the agency—the "incubator" strategy, in the opinion of its supporters, will make OEO for the first time an effective instrument in finding long-term solutions to the problems of poverty. They say it is a reform that is far too long overdue. They point out that billions of dollars have been poured into OEO programs without real effect on public policy, much less visible institutional change. They argue that only a hard, analytical look at what works and what doesn't will lead to lasting change in the lot of the poor. Whether Rumsfeld, either by design or accident, is making OEO more effective or emasculating it, is a question well worth looking into for what it tells us about the Nixon Administration's direction. Indeed, the fate of OEO is likely to provide the earliest and best clue to the Administration's real domestic intentions, political and sociological, which still, even after 18 months in office, are by no means clear. If the Administration kills OEO, or for that matter simply allows it to die, that will imply a political calculation that it is possible to govern without support from the ghettos and subsistence farms of America, and a sociological decision to accept the Scriptural dictum about how long the poor will be with us. Conversely, a better OEO will give a credibility so far lacking to the Administration's constantly iterated assertion that the way to get things done in the field of social welfare is to do them quietly and coolly and with the use of up-to-date management techniques.

Certainly the 1970 model of what used to be called the War on Poverty—like the former Congressman who heads it, clean-cut, sanitized, and relatively uncontroversial—is a far cry from earlier models: the original, 1964-66 model of rapid mobilization and confrontation politics; the retrenchment model of 1966-67 when elected officials clipped the wings of independent local anti-poverty agencies, and the Vietnam war dashed its promise of an escalating hometown battle; the relatively quiescent model of 1968-69, one of caution and consolidation. What Rumsfeld is doing, on Presidential directive, is transforming OEO from an agency whose primary concern was with people to one whose primary concerns are with policy and with avoiding controversy.

YOU is an example. It is an acronym for Youth Organizations United, a coalition of some 350 ghetto youth groups in three dozen cities. It is, in fact, an attempt to form a national organization that can speak for impoverished city youths, black, brown, and white. If the Boy Scouts and Four H can have a national organization, why not less affluent young people? It is a question that OEO apparently has little interest in answering. An assistant to Rumsfeld says the group, which has been after federal money for two and a half years, got a grant from the Labor Department once and "fouled up its records so badly the auditor recommended they never receive additional funds." Rumsfeld himself says OEO's new policy is to judge grantees in terms of "whether or not they will fur-

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nish a learning experience to OEO," which can then be applied to "influencing national policy." He adds, "We are not here to fund programs that do nothing more than help a small number of people in a community."

It is only fair to note that Rumsfeld does have a lot more to worry about than a group that claims to speak for 300,000 ghetto youth. He has only recently emerged from one of those titanic tussles with Congress for which the agency is famous. To be sure, he came out in pretty good shape: the budget was cut only $100 million and OEO was given a two-year lease on life instead of a one-year authorization. Using the connections he had built up as a Congressman, he managed to fight off a near-fatal attempt to put OEO under the thumb of the state governors, where it might have become just another business-as-usual, grant-in-aid program.

However, he has had reverses, too. OEO's money was in the luckless Health, Education and Welfare appropriation bill that President Nixon vetoed in January. It was March by the time the bill was run through the Congressional mill again and OEO got its money. Only 10 per cent of the agency's research funds had been committed with the year three quarters over. In addition, Congress earmarked funds in 18 categories, requiring last minute rejuggling of all OEO priorities. Staff has been almost as grievous a problem to Rumsfeld as money. Though he has been in office almost a year now, he still has not finished naming his key assistants. He has sought sincerely to woo blacks with real credentials among ghetto activist groups to his agency, but without success. Says a lieutenant, "Most of them have a political problem in not wanting to be identified with an Administration pushing ABM, Carswell, and law and order."

For all these worries, Rumsfeld appears to enjoy the job. A big reason may be that, unlike his two predecessors, the flamboyant Sargent Shriver and the veteran bureaucrat Bertrand Harding, he has warm relations with the White House, where he maintains an office as a Cabinet-level assistant to the President. He was consulted, for example, on the Nixon statement on federal school desegregation policy. And certainly, though at first glance he is an unlikely looking poverty fighter, he is a highly likely looking Nixon administrator. A product of Princeton and the affluent Congressional district of Chicago's northern suburbs, he is a 37-year-old Republican who voted against the act that established OEO in 1964. By his own admission, he was chosen not for "any special relationship I might have with the poor," but "as an emissary to the middle class." Indeed, as he sees it, poverty will be alleviated not by giving power to the poor but by "getting the middle class to accept the idea of change."

As befits a former member of the House space committee, Rumsfeld is the very model of a modern program manager. He talks of "inputs" and "outputs," of "problem-solving mechanisms" and "programmatic thrusts," and he has put together a staff of systems managers and social scientists who, with the fervor of true religionists, believe they can apply the tools of modern science to the age-old challenge of eradicating poverty. This team has reorganized OEO from top to bottom, streamlined its operations, shunted off to other agencies a variety of programs OEO had developed (Head Start, the Job Corps, manpower programs, etc.), and reset priorities so that funds for research and development will triple from 1969 to 1971 (from $33 million to $99 million) while those for locally initiated community action programs will stagnate (from $326 million to $324 million).

OEO's new table of organization divides the agency's essential functions into six areas: three program areas offering grass-roots services—VISTA, legal services, and comprehensive healthcare; and three functional areas—research and evaluation, program development, and

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operations, which includes community action. The functional split resembles the tri-part system followed by consumer industries. A market research division identifies a consumer need; a product development division tests alternative prototypes devised to satisfy it; and the distribution division replicates the successful model once the product has been perfected. The essential point to remember in all this is that money for action is down and money for testing is up. Marvin Feldman, a former Ford Foundation program officer and now Rumsfeld's program development chief, explains how the changes affect his office:

"I came in here and found that we've got experimental programs we've been carrying for four and five years. Good programs, worthwhile programs, but programs that give no hint of affecting any policy changes, and no prospect of becoming self-sustaining. Of the first 176 grants we've reevaluated, 68 we're not refunding. It makes you sad in a way if no one else will pick them up, but our job is to try out an idea, report the results, and get out. . . .We're interested not in how good an idea is, in and of itself, but in what chance it has for influencing policy."

The outstanding example of the test-tube approach to public policy—even though it was initiated under the Johnson Administration—is OEO's income maintenance experiment. Debate over the pros and cons of guaranteeing a family a steady income goes back more than a century in the United States, but only now is the idea being given a fair test. Under a three-year $5 million OEO program begun in mid-1968, 575 working-poor families in New Jersey and Pennsylvania have been provided with income guarantees ranging from $1,700 to $4,200-a-year. Another 635 families were chosen as a control group without income guarantees. Both sets of families fill out periodic questionnaires designed to answer, among other things, the fundamental question posed by any income maintenance plan: What will it do to incentive to work? A common assumption is that it is sure to reduce that incentive, and so the question was of enormous immediate importance this winter when President Nixon's $4 billion Family Assistance Plan (FAP), was before Wilbur Mills's Ways and Means Committee. FAP, of course, challenges the lower-incentive assumption. It proposes to replace the country's discredited system of public welfare with a guaranteed minimum subsidy of $1,600-a-year for a family of four, thus making the working poor—those who earn too little to meet their families' basic needs—eligible for benefits along with anybody else who meets the requirements. On February 18, OEO published a 25-page pamphlet entitled "Preliminary Results of the New Jersey Graduated Work Incentive Experiment," which stated, in Rumsfeld's paraphrase, that "there is no evidence that work effort declined among those receiving income support payments. On the contrary, there is an indication that the work effort of participants receiving payments increased relative to the work effort of those not receiving payments." On February 26, Ways and Means reported the FAP bill out to the House. OEO research chief John O. Wilson does not think it entirely coincidental that the publication of the Preliminary Report was followed in only eight days by the favorable action of Ways and Means.

It is possible to read too much into the New Jersey report. All the families were headed by employable men, whereas the typical welfare family is headed by a nonworking mother. The sense of participating in an important social experiment and the attention paid to the recipients by evaluators may have weighted the results. Nevertheless, the experiment—since extended to a white rural area in Iowa and a heavily black county in North Carolina—is furnishing a data base that, the theory goes, will help resolve important issues of public policy. And that, says Rumsfeld, is what OEO's

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new mission is all about.

In the old days, OEO scattered research and development funds all over the anti-poverty landscape. No longer. With a staff of over 100 professionals—three times the number of R&D people in 1968—OEO will concentrate its R&D effort on four major areas during the next 12 to 14 months. One of these is day care. Sensitive to the President's interest in relieving the public assistance rolls by getting mothers out of the kitchen, and realizing the importance of early influences on childhood development, OEO will experiment with a variety of day care models, including rival sponsors (colleges, industry, schools, local organizations) and various educational theories.

Second, there will be a major emphasis on expanding consumer choice—a good Republican principle—by giving selected poor people vouchers or "entitlements" with which they can purchase education, manpower training, or day care.

A third effort will aim to strengthen state and local government's responsiveness to the poor. One way is by expanding the role of the states in training and support for local community action (anti-poverty) agencies. Under a grant that has aroused charges of an OEO sell-out in some quarters, Oklahoma will assume some of the functions previously performed by the Austin, Texas, OEO regional office.

The fourth major area of emphasis is evaluation, and here OEO appears to have been given a real mandate by the Nixon Administration. Two changes are significant. First, the old incestuous relationship between program operators and program evaluators—still the rule in most agencies—is ended. OEO's evaluators will be in a separate department, divorced completely (at least in theory) from the programs they judge. Second, their responsibilities extend (at least in theory) far beyond the confines of OEO. Wilson, a 31-year-old Yale economist who heads the agency's Office of Planning, Research, and Evaluation explains. "Our field of operation used to be the $2 billion OEO budget. Now it's the entire $33 billion anti-poverty effort, and that means pretty much the whole federal establishment."

Historically, OEO never has had much influence over programs run by other agencies on behalf of the poor, not even the programs it has delegated to other agencies, such as Neighborhood Youth Corps, which the Labor Department for years ran in the finest traditions of pork-barrel politics. Now, however, Wilson's office is commissioning a three-year, $4.6 million study of the impact of four Labor Department manpower programs. This involves following 10,000 youths (and a control group) from day of entry to 18 months after training to gauge the effectiveness of the programs. The $17 billion income-transfer programs, such as Social Security and veterans' benefits, will also be monitored by OEO.

Worthy as these plans sound, some misgivings deserve to be noted. It is a basic law of bureaucracy that an agency will fight with whatever ammunition it has to protect itself when the chips are down. Wilson, for all his devotion to objective social science research, for all his office's isolation from operational responsibilities, may find himself regularly forced to serve up selective facts to refute OEO critics, just as his predecessors did. Indeed, the preliminary results from New Jersey—coming during the House Ways and Means Committee consideration of the Family Assistance Plan—already have raised some charges of dirty pool. Moreover, social science is inexact science. Says OEO's former program development chief, Gerson Green, "Any evaluation study that purports to show that an idea works or doesn't work can be faulted. There are always special conditions in social science, conditions that can raise doubts about the implications of your findings. To spend $20 million on evaluation as OEO proposes to

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do [in 1971, up from $4 million in 1969] is bad economy when there are hungry people to be fed."

Green, like most of OEO's critics on the left, sees the agency's preoccupation with influencing policy as a retreat from its primary responsibility to help poor people. And he sees confirmation of his fears in the yearly cutback of the most controversial—and in its own way the most effective—of all OEO programs, community action. The original rhetoric of the War on Poverty described community action agencies as "local self-help organizations." Their function was to serve as a focus for efforts by all segments of the community—public, private, rich, and poor—to alleviate what was termed, in the parlance of the early '60's, "poverty in the midst of plenty." As they evolved, community action agencies became much more than that. They became major community employers of the poor, major deliverers of neglected services, power brokers between the poor and established community institutions, lobbyists for social reform, and central vehicles for social and political organization of the poor. Community action ran one-stop neighborhood service centers, where a person could get help in getting the heat turned back on, or tracing a welfare check that got lost, or finding a job, or getting school help or a pair of eyeglasses for the kid. What's more, the people who were doing the helping were neighborhood poor people themselves, friendly, sympathetic, trustworthy.

As time went on, the functions of community action grew: Head Start legal services, family planning, neighborhood health centers—all were available through the resources of the neighborhood service center. Poor people themselves had a voice in determining what services were needed and how they should be delivered. "Community action brought outsiders into the political process for the first time," says Robert Aleshire, Executive Director of the National Association for Community Development. "It gave them a stake in the system, a feeling that somebody cared and that their opinion counted."

Community action never fulfilled its early promise, chiefly for two reasons. Alarmed officials, worried about direct Washington-to-grass-roots funding, successfully brought the agencies under city hall control, at least indirectly. And the prospect of higher funding levels, which underlay the program's promise of forcing established institutions to become more responsive to the needs of the poor, never materialized. Meanwhile, community action is slowly starving. OEO, under Rumsfeld, has cut off about 30 such agencies, reducing the total number to about 930. Many, if not most, of the others have been cut back severely over the past three years, and the cuts continue. In addition, OEO has farmed out to other agencies programs over which community action had exercised control. Other programs that have stayed within OEO, such as legal services and health care, have been yanked out of community action and now operate independently on the local level.

Most important of all, the principle of local self-determination that lies at the heart of community action demands nothing less than that people at the grass-roots level be given a voice in the vital decisions that affect them. Much of the criticism of OEO being heard around the country today stems from a belief that, under Rumsfeld, that principle is being quietly interred. Two recent OEO decisions illustrate the basis for this belief. One involves the ambitious program of Community Development Corporations (CDC's) that OEO has been subsidizing the past three years as a means of organizing low-income residents and promoting economic opportunity.

Community corporations are OEO's version of black capitalism. These locally organized holding companies, whose stock is in the hands of the resident poor, use federal dollars and whatever other funds they can attract as seed money to set up private business ventures that provide jobs and services in the slums. Fifteen CDC's with subsidies

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totaling $11,500,000 this year, have spawned such enterprises as a community-owned offset printing plant in Washington, D.C., a housing project and shopping center in Cleveland's Hough ghetto, and a catfish farm in rural Georgia.

So promising has OEO considered the idea that earlier this year agency spokesmen were talking about tripling funds for economic development in 1971. They're still talking about tripling funds for economic development, but no longer will the major emphasis be on community-based corporations. As his new consultant on economic development, Rumsfeld has hired Theodore L. Cross, a New York lawyer who specializes in banking problems and is the author of the recent book, *Black Capitalism: Strategy for Business in The Ghettos.* The two held a news conference in late March to unveil a plan to set up a new Opportunity Funding Corporation, which CDC officials fear is a device to take the community out of economic development decisions. The new corporation, which will receive by one estimate some $12 million in OEO funds this year, is a nonprofit national corporation that will stimulate investment in much the way the Federal Housing Administration's home-loan program does, by using federal funds to guarantee larger private loans. The corporation's board will be composed not of local residents seeking to shape their destinies but of OEO-selected bankers and businessmen—people who are supposedly more adept at recognizing a sound investment opportunity and finding the money and know-how to make it work. Incensed that the agency would plan a major new initiative that excludes local residents from a decision-making role, representatives of the 15 OEO-funded CDC's staged a sit-in April 8, in the Executive Office Building in Washington, demanding community participation in the new program. Instead they were told by Marv Feldman they will have a chance to make "inputs" before the idea becomes operational, which is hardly the same thing.

A second purported setback to community self-determination efforts concerns OEO's plans to turn over more responsibilities to the states in overseeing anti-poverty activities. The basic idea—in Rumsfeld's words, "to strengthen the state contribution to the poverty programs"—is hard to fault. But the range of activities the agency envisions turning over to the states raises suspicions, justified or unjustified, that OEO is selling out community action to the state capitals. Among the demonstration projects planned by the agency: Connecticut will monitor and evaluate local community action programs; California will train community workers; and the states of Washington, Oregon, and Idaho will organize citizens for local self-help projects.

As inoffensive as these ideas sound, many veteran community organizers fear a strengthened state role will erode what little insulation community action agencies have retained from the political pressures state capitals are wont to exert on programs that threaten their interests. They are bothered, too, by the fact that there is no plan to include local communities in the determination of the states' roles. Recalling the narrow defeat of the Congressional move last December to place most anti-poverty activities under state control, OEO critic Green grumbles, "Rumsfeld's trying to do by administrative fiat what the conservative coalition in Congress couldn't do by legislative action." Some OEO critics go further, arguing that OEO is trying to do away with community action entirely, rather than keep it open for trying out new initiatives. Bob Aleshire doesn't subscribe to this theory ("They're not that cynical up there," he asserts). But he sees a worrisome trend nonetheless in the recent demise of WEMBROC, an under-financed community action program in the western suburbs of Boston. With a paltry budget of $50,000, that agency was charged with initiating local programs and involving the poor over a six-city area encompassing 300,000 people. It was closed down in February for

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"failing to develop imaginative programs and involve the poor." "They couldn't possibly have done the job," says Aleshire. His worry is that OEO is providing agencies with too little money to be effective, then is closing them down for being ineffective.

Rumsfeld does little to discourage such speculation. Community action agencies, he says, "haven't compiled a record of accomplishment sufficient to require the degree of support that would assure their future." He adds: "I frankly don't know what they're supposed to be doing, and neither, I'm convinced, does anyone else." What seems to bother him most about community action, however, is its reputation for controversy. Time and again, during a recent interview, he steered the conversation back to its potential for dividing communities. "We must help the poor in ways that do not create a crust of resentment around them," he says. "Confrontation divides communities and isolates the poor. We must bring people together by stressing cooperation."

Of course we should. But what happens when cooperation does not bring change? When institutions do not respond to the human needs of their clients? How can the huge and impersonal bureaucracies of the '70's be made accountable to the people they supposedly serve? If OEO will not represent the interests of the poor, who will? And when? These are questions that escape the cost-effectiveness theorists at the new OEO, with their search for ways to exert "policy leverage" and "judgmental decision bases."

To his credit, Rumsfeld has so far not hesitated to use his power to override a governor's veto when good programs were threatened by issues of parochial politics. But would he step in—as Sargent Shriver did—and offer to run an emergency food program if a future Orville Freeman tells Congress the Agriculture Department can think of no way to get food into the bellies of hungry children if their local elected officials won't cooperate? Would he fund a controversial Mississippi educational project that instills in Negro school children dignity as well as the three R's? And what of a citizens' group in Eastern Kentucky that wants to preserve its environment from the ravages of uncontrolled strip mining? These activities may not supply OEO with the "learning experiences" Rumsfeld says are the basis on which his agency will weigh funding proposals, but they have a lot to do with alleviating poverty in the United States.

Test tubes are useful instruments, but social laboratories rarely produce clear-cut results. On the other hand, they make conservatives feel good; when little money is spent, little money is wasted. "The trouble at OEO," asserted Washington, D.C.'s black anti-poverty director, Jeanus Parks, Jr., in a recent interview, "is that they're all deaf. They simply don't know what's happening out on the streets." Parks may have a point. For what is missing from OEO, one senses, is not understanding and certainly not intellect. What is missing is passion and commitment—a recognition of the depth and the magnitude and the terrible urgency of the problems of the poor.

The irony is that by committing itself to influencing policy rather than helping people OEO may end up doing neither. Its purported influence over public policy derives from its claim to be able to carry out dispassionate research, a task that may be rendered impossible by its very political status—as an arm of the Executive Office of the President. Politics, it can be argued, must inevitably intrude on its decisions. There is also the factor of impatience. If the eruptions of the 1960's proved anything, it was that the promissory notes of 30 years of social rhetoric and public inaction on the problems of the poor are coming due. They won't be postponed much longer, and certainly not on the basis of an argument that the solutions haven't yet been perfected.

For the moment, though, the victims are relatively quiet. At OEO, the space-age technologists have taken over. God grant patience to the poor. ■

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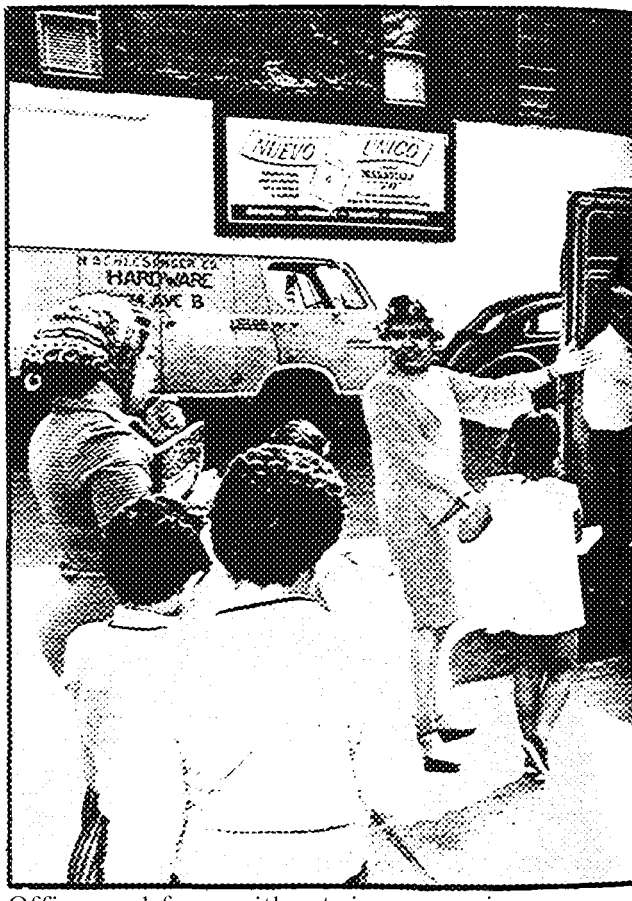
The Poverty Lawyers' Work Is So Good



by Clark Holmes

Once during an especially difficult time for the Office of Economic Opportunity, a long-time observer of its many operations said: "You know, if you called everything OEO ever did, including Head Start, outright failures, but admitted the success of Legal Services, then you would still have to conclude that the whole damn thing was worth it."

Legal Services has without question been the most effective part of OEO. Its actions have affected the lives of millions of Americans, more than all the rest of OEO combined, and those effects are measurable—unlike, say, the debatable impact of Head Start or VISTA—in the altered behavior of government agencies sued by Legal Services. It is a classic example of working within the system, and working successfully: so successfully, indeed, that its future is now in danger.

Legal Services now appears to be under a conservative siege directed at it both from within OEO by the Director's Office, and from without, in a campaign being handled by high officials in the Department of Justice. New OEO Director Donald Rumsfeld has taken what seems to be the first step on the path to transfer control of Legal Services from the agency itself to the state governors—a course Congress swerved away from last December. And the Justice Department, under the leadership of Jerris

Clark Holmes is a pseudonym for two former employees of the Office of Economic Opportunity.

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It Has to Be Stopped

Leonard, Deputy Attorney General for Civil Rights, and Assistant Attorney General William A. Ruckelshaus of the Civil Division, is painstakingly compiling a secret dossier on Legal Services programs. The dossier will document the trouble Legal Services has caused local, state, and federal government by filing cases on the behalf of the poor and will attempt to prove that the poverty lawyers are really radical community organizers disguised in courtroom garb. The existence of the dossier within the Justice Department is top secret because public knowledge of its being compiled would unquestionably outrage the American legal establishment, which strongly supports Legal Services.

This dossier presumably will be fed to conservative Congressmen and Senators during future debates on OEO and Legal Services legislation, in the hope of convincing the Congress to rein the poverty lawyers in hard by putting unfriendly governors in the saddle. The first opportunity to use the dossier may come at the hearings, scheduled for June, of Senator Walter F. Mondale's subcommittee on employment, manpower and poverty.

Why all this intrigue over 2,200 attorneys doing their duty on behalf of the poor? Why are they being singled out by the Justice Department for such special hostile attention? A little history may be helpful. Legal Services came into being in 1965, as an afterthought to the major OEO programs. It began on a very small

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basis. Most of the programs were far from radical. Essentially the poverty lawyers provided efficient legal assistance to individual poor persons on the entire range of special and not-so-special problems that they encounter more frequently than average middle-class folk—divorce, garnishment of wages, eviction, and the like.

A few of the programs, however, from the beginning combined their service work with another kind of poverty law—reform law. Instead of taking case after individual case into court to seek individual redress, the poverty lawyers would isolate a type of case involving a basic constitutional issue, file a class action covering thousands of poor persons, and argue it right through to the Supreme Court. Sometimes they lost. Sometimes they won. Win or lose, they made an enormous impact upon the poor—reinforcing their faith in the democratic legal process—and had an equally enormous, though adverse, effect on those against whom the suits were filed—mostly local, state, and federal governments. Among those whom the suits challenged, Legal Services made powerful and intractable enemies.

The prototype of this kind of program is the California Rural Legal Assistance Agency. Cal Rural, as it is called in the poverty law trade, won the first poverty class action taken to the Supreme Court by a Legal Services unit—a mother of five challenging a California law requiring wives to be separated from their husbands for 90 days before receiving welfare. Since it began in 1967, Cal Rural has been giving Governor Ronald Reagan a hard time. The first clash came in 1967 when the Governor, fresh from election on an economy platform, backed budget cuts in medical care. Cal Rural went to court for a farm worker whose operation was canceled because of the cuts, filed a class action, and won. All the budget cuts were reversed, and the Governor raged. That same year, Cal Rural antagonized California's powerful farmers, represented in Washington by Senator George Murphy, by filing suit against the Labor Department for not enforcing its own ban on the importation of low-paid Mexican braceros—a ban of great aid to Cesar Chavez and his grape-pickers. The Labor Department caved in and Murphy, who had strongly supported bracero use in his 1964 campaign, has since attempted to gut Legal Services in his state. Cal Rural further embittered the growers by rolling back an injunction the latter had obtained against a wage increase—from $1.30 to $1.65—for their women employees, forcing them to pay not only the higher rate but also $800,000 in back wages.

The U.S. Department of Agriculture has also felt the sting of Cal Rural's efforts on behalf of the poor, in this instance the hungry poor. After it found that 58 California counties were not participating in the food stamp program, Cal Rural obtained a federal court order requiring USDA to extend the program to those counties. When the Department failed to comply fully after four months, Cal Rural's Deputy Director, Robert Gnaizda, told the Senate Select Committee on Nutrition and Human Needs:

> I think that this failure on the part of a high Cabinet official to comply with the law, or even make any attempt to comply with the court's order, has tragic consequences.
>
> Two years ago Martin Luther King had his sentence and his conviction upheld by the U.S. Supreme Court. Martin Luther King had been convicted of leading a parade.
>
> The Supreme Court said that the court order [leading to King's conviction] was probably unconstitutional. However, the Court said that "no man, however exalted his station, is above the law."
>
> I would think that the same standard should be applicable to the Secretary of Agriculture.

Cal Rural doesn't always win. It lost, for instance, when it tried to have the Internal Revenue Service's practice of attaching 100 per cent of a person's income for payment of back taxes declared unconstitutional. But even when it loses, it angers the government agen-

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cies who have to spend time defending against the suits. Also, despite the fact that Cal Rural is noted for its law reform cases, its 40 lawyers, spread up and down the farm valleys of California, actually devote most of their time to individual casework. In fiscal 1969, only 63 of 15,000 cases handled by Cal Rural were class actions. This limited law reform work, however, has set an example for a small number, perhaps 60, of the other 270 Legal Services programs. Those in Texas, Florida, New York, Colorado, and the District of Columbia are generally recognized to be among the most effective.

The combined efforts of these few programs have produced remarkable results in bringing major issues of social reform through the pyramid of state and federal courts and ultimately to the Supreme Court. In *Shapiro v. Thompson* (1969) they upset the residential requirements for welfare recipients, making eligible some 200,000 people who move every year. *Smith v. King* (1968) brought down the substitute parent or "man in the house" rule under which many states were denying welfare to mothers if there was evidence of a male presence in her home. Retaliatory eviction—evicting a tenant because he made a complaint—was held unconstitutional in *Edwards v. Habib* (1968), and just this year the cutting off of welfare benefits without a prior hearing on the merits was ruled out by the Supreme Court in *Goldberg v. Kelly*. All together, Legal Services programs have filed more than 100 suits against federal agencies, including Housing and Urban Development, the Bureau of Indian Affairs, and the Department of Agriculture. Twenty-three of these suits are aimed at forcing the federal government to implement food distribution programs in areas that qualify but do not have them.

After Richard M. Nixon won the 1968 election, the Legal Services lawyers in Washington and across the country who were dedicated to law reform watched for a signal as to how the new Administration viewed their work. On the one hand, they knew that Nixon, as a candidate, had criticized OEO for sloppy management and for letting irresponsible poverty workers upset duly elected state and local officials. On the other hand, they knew the new Administration had a commitment to encouraging dissatisfied Americans to work through legal democratic processes—exactly what the poverty lawyers preached and practiced.

President Nixon's first move regarding OEO did not encourage the poverty lawyers. Rumsfeld, his choice as the new OEO Director, had, as a Congressman, been generally critical of OEO on management and philosophical grounds: it was doing too many things at once, among them things it shouldn't be doing—like unnecessarily agitating the poor. Rumsfeld's appointment of a new head of Legal Services, however, was a real boost. Instead of bringing in an identifiable conservative, Rumsfeld reached into the Civil Rights Division of the Justice Department and plucked out Terry Lenzner, 29, a trial attorney of clearly liberal leanings. In announcing the appointment, Rumsfeld gave Lenzner a personal vote of confidence. "I have worked closely and personally with him on a daily basis since assuming this position," he said, "and I have confidence in his judgment, his ability, and his commitment."

Rumsfeld also took advantage of the occasion to give all of Legal Services a boost, announcing that it was being elevated to "the status" of a separate division within OEO and praising it lavishly. "Tradition requires that lawyers be advocates—for the poor and rich alike. It is my desire to see the Legal Services program express the concern, advocacy, and commitment necessary to assure equal justice for the needy . . . ." And this expression of confidence was soon followed by what seemed to be the President's support. In his August message on OEO he said: "The office of

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Legal Services . . . will take on central responsibility for programs which help provide advocates for the poor in their dealings with social institutions . . . . Disadvantaged persons in particular must be assisted so that they fully understand the lawful means of making their needs known and having those needs met . . . ."

Lenzner, believing he now had a clear mandate to fight for Legal Services and law reform, immediately set about rebuilding a strong headquarters staff and restoring the confidence of the poverty lawyers in local offices. One of his first decisions was to authorize the refunding of the Florida Migrant Legal Services program, which, like Cal Rural, had drawn the wrath of Florida farmers and, in turn, that of Governor Claude Kirk and Democratic Congressman Paul Rogers. Migrant Legal Services had filed suits against the state of Florida, the U.S. Department of Labor, and the giant of Florida's agricultural interests, the United States Sugar Company. The suits were aimed at forcing compliance with laws protecting migrant farm workers; victories for Legal Services would be costly for Florida farm employers. Lenzer succeeded in securing refunding for the program only under a new board of directors, essentially dominated by the Florida Bar and local growers—a compromise, but better than the alternative of disbanding the program. He then flew off to Vail, Colorado, to speak to a Legal Services conference attended by many of the best of the poverty lawyers. Lenzner's speech to them was like a charge to the troops, and the troops were now pretty much convinced that their law reform work was indeed looked upon kindly by the new Administration.

The first signs of trouble came in the early fall. The OEO authorization bill was up for renewal, and both Rumsfeld and Lenzner testified before the Senate subcommitteee on employment, manpower, and poverty on behalf of Legal Services and law reform. Senator Walter F. Mondale, a liberal Democrat from Minnesota, half-expecting some challenge to Legal Services, raised the question with Rumsfeld as to whether he should introduce an amendment to strike the governor's veto entirely from Legal Services. (Governors can now veto an entire OEO program like Legal Services, but they cannot single out a specific item—funds for one case, for example—for veto; and the governor's veto can be overridden by the OEO Director in Washington.) Rumsfeld indicated the Administration had no intention of surrendering any further power over Legal Services to the governors and said the amendment was not necessary. Mondale, in the interests of bipartisanship, dropped the idea.

Senator Murphy, who had introduced an amendment in 1967 to bar poverty lawyers from filing suits against government agencies, was not present at this committee hearing, though he is a member. He was present during the debate on the Senate floor on October 14, however, and proposed "a very simple amendment . . . to restore more control with respect to Legal Services to the governors." The introduction of the amendment at this late date caught a number of Senators, including Mondale, off stride. Murphy, commenting on the suddenness with which he had prepared the amendment, said, "In the speed of writing the amendment, I have not had a chance to even read the language which the staff has included in the amendment, but that is my desire, as I suggested in the amendment." His "desire" was to give the governor a selective veto over Legal Services programs, permitting him to veto some Legal Services programs without having to veto them all. The selective veto would make it possible for the governor to eliminate a Legal Services operation that threatened some special interest without risking the political consequences of vetoing the entire program.

Mondale asked Murphy if he was aware that the Administration, based on the testimony of Rumsfeld and Lenzner, did not favor any amendments changing the status of Legal Services vis-à-vis the

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governors. Murphy said he was aware of what happened at the hearing but, since he was not present, he was not bound by any agreement. Besides, he added, maybe Rumsfeld was hemmed in and couldn't say anything else. The following exchange then took place between the two Senators:

Mondale: "Do I understand the Senator's amendment to apply only to the OEO Legal Services program?"

Murphy: "That is exactly right."

Mondale: "In other words, of all the titles in the OEO act, the only one that would give the governor veto power over a line item as distinguished from a whole program would be the OEO Legal Services program?"

Murphy: "That is right."

The Senate voted the Murphy amendment. Lenzner was appalled, knowing it would mean the end of law reform. Rumsfeld called the amendment's passage "most unfortunate," saying that it would "seriously damage" the program. Rumsfeld told the press that he was going to lobby against the amendment with his former colleagues in the House. For the moment, however, Rumsfeld left Lenzner to his own devices, telling him to carry on the effort against the amendment. While extremely capable, Lenzner did not really know where to begin. He felt fairly secure in the House Education and Labor Committee, but feared what might take place on the floor of the House itself. He also was aware that two members of the House committee, Oregon Democrat Edith Green, perhaps the most powerful woman in the House, and Minnesota Republican Albert Quie, intended to offer an amendment to the OEO bill giving governors control over all OEO programs, not just Legal Services. With the thought in mind that the majority of House members are lawyers, Lenzner sought to marshal support in the American legal community. The support was forthcoming and overwhelming, led by the president of the American Bar Association, Bernard Segal, a Pennsylvania Republican who had supported Nixon for President. The American Bar Association, the National Bar Association, and the National Legal Aid and Defender Association all condemned the Murphy amendment as "political interference with the right of the citizen to have free access to independent counsel." The United States Judicial Conference, the administrative and policy organ of the federal judiciary, chaired by Chief Justice Warren Burger, voted a unanimous resolution which, without mentioning the Murphy amendment, opposed putting the governor between the attorney and his client. Finally, in an unusual move, the Senate subcommittee reconvened hearings, specifically on the Murphy amendment, to give both Rumsfeld and these prestigious members of the legal community a public forum in which to register their disapproval.

All of this, and the fact that in the week before the vote in the House Rumsfeld finally began buttonholing his ex-colleagues, produced a defeat for the Green-Quie version of the Murphy amendment. In the conference committee over the difference between the Senate and the House bills, Senator Mondale, armed with the American Bar Association's objection that the Murphy amendment set the governor between a lawyer and his client, beat Quie down. It was now early December, and Lenzner and his poverty lawyers began to breathe somewhat easier. The challenge had been met and overcome—or so they thought. Actually, as the next few months were to show, the fight over the Murphy amendment was a minor skirmish.

Not too long after the Murphy amendment affair, plans began to take shape in the Justice Department for a new attack on Legal Services. These plans, according to informed sources within the Department, took into account the wide support for Legal Services in the organized bar and were based on countering this with a new image for the poverty lawyer—that of anti-government troublemaker. If evidence

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supplied by Justice could be used to diminish the respect of the legal profession for the poverty lawyers, then conservative Congressmen opposed to law reform could make a case for tight controls on Legal Services. Getting the ammunition necessary to support the "agitators" charge would require a thorough and secret investigation. The problem was how to do this in a department filled with dedicated young attorneys who approved of Legal Services. The solution was to make it a top-level operation limited to the members of the Department most loyal to the new Administration. Thus, all staff attorneys in the troublesome Civil Rights Division were excluded, though over-all responsibility for the operation rested with the division head, Jerris Leonard. Direct responsibility came to rest with Assistant Attorney General William Ruckelshaus, whose Civil Division defends suits against the government. Ruckelshaus instituted a comprehensive survey of Legal Services suits against the government. The purpose of the survey was to develop a case that many suits were intended, not to seek redress in a court, but to harass the government and rally the poor around a cause.

Ruckelshaus actually leaked a hint of what was happening when he told the Associated Press on January 16 that some "federally paid lawyers were filing politically motivated lawsuits aimed at embarrassing the Nixon Administration." The story further quoted Ruckelshaus as saying that "militant lawyers, financed by the anti-poverty agency, were using the courts as a method of confrontation with the establishment." He singled out suits against the Secretary of Agriculture as an effort to build political support against the Administration. These remarks by Ruckelshaus were countered by Segal of the American Bar Association, who warned that such public remarks on the merits of pending lawsuits by the attorney for one of the parties raised serious ethical questions. Ruckelshaus became publicly silent after that, but by now the investigation had been narrowed down to about a dozen suits brought by three or four Legal Services agencies. Cost studies were run on these suits to show how much time and money the government was forced to expend in its own defense. Confidential questionnaires were sent to politically reliable U.S. attorneys regarding their knowledge of the political and community organizing activities of Legal Services attorneys. The Washington inquiry also asked for any "speculation" as to the motives behind the suits.

One case of particular interest involved the Modesto office of Cal Rural, which had become deeply involved in the most controversial issue to hit that sleepy farm town since the Gallo winery, its major employer, switched from wooden to aluminum vats. Two young poverty lawyers in the Modesto office had brought suit against the Modesto School Board, challenging its action in setting the eligibility standard for free or reduced price school lunches at 80 per cent of the federal poverty level. The Board admitted it had chosen the more stringent standard as a means of keeping within the limits of the funds it had allocated to the program, and the lawyers argued that eligibility had to be based on a child's need, not on how much the Board wished to spend. The Federal District Court in Sacramento agreed, finding that the Board's action violated the National School Lunch Act, and ordered the Board to feed all children who qualified under the official standard—i.e., all those from families below the full federal poverty level—regardless of cost. The Board had one out and took it on March 3. Instead of obeying the order, it voted to drop out of the National School Lunch Program. The parents who had brought the suit were understandably furious. The poverty lawyers in Modesto moved quickly to prevent a confrontation, securing a promise from the OEO Emergency Food and Medical Services of $20,000 so that the Board would be able to comply with the order. At an angry meeting following

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the OEO financial pledge, the Board rejected the $20,000 and reaffirmed its decision.

A case in Texas illustrates another aspect of the attack on Legal Services. There the U.S. Attorney's office is questioning the truthfulness of testimony gathered by Legal Services in a suit against the U.S. Department of Agriculture. Ed Polk of the Dallas Legal Services and another key witness have been called before a federal grand jury. Poverty lawyers feel the purpose is to discredit Dallas Legal Services. They point out that hostile U.S. Attorneys in the South have used similar tactics against civil rights activists.

These cases are part of the dossier on the "radical" activities of the federally paid poverty attorneys. While the report is still under study, bits and pieces have already leaked to Capitol Hill. During a meeting of the conference committee on the new School Lunch Act, which raised from four to eight million the number of eligible poor children that must by law receive lunches, Representative Quie tried to include a ban on "harassing" law suits against school officials who failed to comply with the new law—an evident reference to the Modesto case.

The results of the Justice Department's digging have reached the ears of the President, whose most trusted adviser is the Attorney General. About the time that Ruckelshaus spoke out publicly, Rumsfeld and Lenzner attended a White House prayer breakfast. Rumsfeld took the opportunity to introduce Lenzner to the President. The President, without even first saying hello, told Lenzner: "I've heard of you. Your boss spends a lot of time over here protecting you."

Rumsfeld soon began protecting himself. Suddenly Lenzner, in whose "judgment, ability, and commitment" Rumsfeld had expressed "confidence," found his every decision being questioned, and usually not approved. Rumsfeld took to calling Lenzner in and going over line by line proposals that had been sent along for routine approval. As Lenzner's requests for approvals piled high on Rumsfeld's desk, the young Legal Services head became increasingly distressed. During one of these line-by-line sessions, Rumsfeld told Lenzner and his deputy, Michael Kantor, to shape up or ship out. "You know," Rumsfeld said, "there is such a thing as a client-lawyer relationship. The client is the one that pays the lawyer's salary. The government pays your salary. If you can't adjust to that, maybe you belong someplace else." Mrs. Rumsfeld, at a tea for the wives of senior OEO officials, gave a further clue to her husband's state of mind. Describing the recent Rogers-Hardin wedding (the son of Secretary of State Rogers to the daughter of Secretary of Agriculture Hardin), Mrs. Rumsfeld said that her husband had a conversation with one of the ushers, a lawyer who had spent a year working with Cal Rural, and who had waxed eloquent over the efforts of Cal Rural on behalf of the poor, including its suits against state and federal governments. "What did it matter to him?" she said. "These lawyers just don't know how much trouble they cause. Don plans to make some changes."

The major change that Rumsfeld plans to make—a change that will probably mean the end of Legal Services law reform work—is foreshadowed by the so-called Oklahoma Plan, which first surfaced following the defeat in the House of the Green-Quie amendment to turn OEO programs over to the governors. While there was much jubilation among OEO veterans following the House vote, Rumsfeld, apparently having received word from the White House about which direction OEO was to take, moved quickly to put the House action in proper perspective. The House vote, he told senior OEO officials, was not a victory, only a reprieve. OEO had made many enemies in the House because of its collisions with local and state officials. If OEO were to survive, it would have to work out an accommodation with those officials, particularly the governors. The Oklahoma Plan, fortuitously proposed

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by that state's own economic opportunity office, is one accommodation decided on by Rumsfeld. Formally announced on March 10, the Plan will transfer the major authority over OEO programs in Oklahoma from the OEO national and regional offices to the state OEO office, which is under the control of the governor. The governor's office will assume responsibility for interpreting OEO guidelines, preparing grant applications, monitoring grantees, and initially determining eligibility for grants. To OEO veterans, and especially to the poverty lawyers, Rumsfeld's accommodation looks more like outright surrender. It is an administrative resurrection of the recently buried legislative remains of Murphy, Green, and Quie.

While the Oklahoma Plan is murder for all OEO's programs in the state, it creates some peculiar difficulties, in terms of legal ethics, for Legal Services. Poverty lawyers believe that placing the Legal Services programs under the Plan will result in violations of the Canons of Legal Ethics, specifically Canons 15 and 35. Canon 15 requires a lawyer to give his "entire devotion" to his client, further stating, "No fear of judicial disfavor or public unpopularity should restrain him from the full discharge of his duty." Canon 35 prohibits a non-lawyer from interfering or influencing a lawyer's relationship with his client, stating, "The professional services of a lawyer should not be controlled or exploited by any lay agency, personal or corporate, which intervenes between client and lawyer."

The poverty lawyers are convinced that the Oklahoma Plan, by giving the governor a whip-hand over their activities, puts them in an impossible ethical position. With his powers of monitoring and funding, the governor can decide which suits shall or shall not be brought against his own administration. Even if the governor never took a direct action, the lawyers, by trying to take into account how he would react to a particular suit, might be inhibited from doing their duty as they see it to their clients. The implications of this are far-reaching. A lawyer who violates the Canons, who does not do the best he can by his client because of political considerations, may be subject to disbarment; under the Oklahoma Plan, violating them may be the only way he can avoid jeopardizing his own job, or worse, the existence of the program in which he works.

Lenzner has made all these objections to Rumsfeld, informally and in writing. His objections have been to no avail. The American Bar Association has registered its objections, also to no avail. The Oklahoma Plan is scheduled to go into effect on July 1 of this year. Rumsfeld has also said that it may soon be extended to 14 other states, including California and Florida, the states where Legal Services have aroused the most controversy.

Unless there is an outcry from Congress, the institution of the Oklahoma Plan seems a certainty. When that happens, OEO's most important outpost will have finally fallen. The possible consequences are perhaps best forecast in some remarks made about Legal Services by one of its closest watchers last year:

> During the short period of only four years, Legal Services . . . has made a significant impact upon the conditions of the poor in America. Legal Services attorneys have represented low-income citizens in well over a million cases . . . . These attorneys have created a new awareness of the rights of the poor and . . . helped make a reality of the ideal of Equal Justice Under Law . . . . They have created a new legal discipline—the field of law of the poor . . . . We cannot expect respect for the rule of law if we, as public officials, do not assure access to the legal process. To fail to do so would break faith with those Americans—rich and poor alike—who have confidence in our legal institutions and the notion that disputes are better resolved in courtrooms than on street corners.

That was Rumsfeld on November 14, 1969.■

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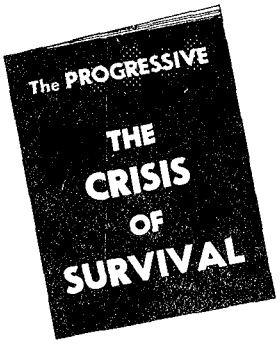

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Politics (Censored) in the Peace Corps

The following memorandum was distributed by the Peace Corps to the 17 Republican members of the House Foreign Affairs Committee. A few hours later, the memorandum was recalled and a second memorandum distributed in its stead. The second version differs from the first only in that the material within brackets is omitted. The Director of the Peace Corps is Joseph M. Blatchford.

April 14, 1970

SPECIFIC STEPS TAKEN TO DEAL WITH PROTESTS AND TO RECRUIT NEW TYPES OF VOLUNTEERS

A. Dealing with Protests

1) Upon my appointment as Director, the Secretary of State sent a telegram to U.S. diplomatic Posts which contained a statement that ". . .Volunteers will be expected to refrain from all political activities in the countries in which they are stationed."

2) I called all Country Directors together in Washington last September and emphasized the need for closer cooperation with Embassies and other U.S. agencies. I also made clear Peace Corps policy prohibiting public political activities by Volunteers.

3) On October 30, 1969, I issued guidelines to overseas staff on the issue of free speech which contained the statement: "We simply cannot have it both ways; we cannot both claim to be apolitical and insert American foreign policy issues into the host country scene."

4) The Secretary of State and I remained in close touch during the moratorium and the Vice President's trip to Asia to forestall any possible incidents. As a result, less than 200 Volunteers participated in moratorium activities. The Secretary and I permitted letters or petitions to be sent to Ambassadors or to the Vice President and meetings were permitted with the Ambassadors or their staff at which U.S. foreign policy was explained.

5) We found it necessary to terminate 12 Volunteers and one staff member in four countries who insisted in abusing the right of expression and to publicly demonstrate.

6) Unfortunately, newspaper accounts have exaggerated or erroneously reported incidents, thus creating a false impression of widespread Peace Corps protests. We have initiated a campaign to work on a personal basis with Washington newsmen to keep them accurately informed and thus prevent this kind of reporting in future.

B. Actions Being Taken

1) Adoption of higher standards for Volunteers recently graduating from college and personal screening of all applicants invited to training.

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2) Better utilization of background investigations to weed out undesirable applicants. A letter to me dated March 8 from Chairman Robert Hampton of the Civil Service Commission stated, "In the opinion of our security appraisal officers an excellent job is being done by the Peace Corps."

3) Emphasis throughout training on the obligation of Volunteers to serve the host country and to refrain from taking part in any protest activities.

4) Initiation of staff training programs so that staff is fully prepared to inform Volunteers of Peace Corps policy and to enforce that policy.

5) Reorganization of the agency, resulting in an 18 percent reduction of Washington staff which will be increased to 22 percent by June 30 and a 10 percent reduction of overseas staff. **[Implementation of an aggressive staff recruitment program to hire staff members who understand and support the new directions of the Administration.]**

6) Initiation of a policy of recruiting different types of Volunteers -- people with more maturity, greater experience and training such as skilled technicians from the ranks of labor, farmers, professional people in the fields of engineering, architecture, etc.

I have traveled to over 20 U.S. cities making speeches and TV appearances telling about the new directions of this Administration. Neil Armstrong has been making speeches before engineering and scientific groups. George Meany is giving his personal support and the AFL-CIO national convention in Miami issued a proclamation supporting the new Peace Corps recruitment program. Henry Ford and other businessmen are actively recruiting from business.

For the first time in Peace Corps history married couples with families can serve. During 1970 we are attempting to attract 200 families with dependents on a pilot project basis. If successful and if we receive our requested Congressional authority, we hope to increase substantially the number of families in the Peace Corps.

We have held meetings with Secretary Laird, Secretary Hardin, and Secretary Shultz to secure broad cooperation in moving the Peace Corps forward to a more prominent role in technical assistance for underdeveloped countries.

RESULTS. Although total applications from the college campuses are down this year, applications from those over 30 years of age are up 110 percent over last year. Those with agricultural degrees are up 27 percent and those with skill backgrounds are up 50 percent. We have received inquiries from 2200 families interested in the Peace Corps, almost all with skill backgrounds. Last week alone we had 1200 inquiries from farmers. Five families are currently in training for Bolivia. They are skilled tradesmen, very idealistic, and support the Administration's policies. Some have sons in Vietnam.

[IN SUMMARY. We inherited a very difficult situation resulting from Volunteers just out of college with strong liberal views. We have also had to weed out many members of a hostile staff hired during the past eight years of Democratic administration and unwilling to accept the new Administration. There were no clear policies or guidelines on dissent and political protests overseas. There was no personal screening of Volunteers prior to training. There was no adequate staff training. Some members of the press were anxious to embarrass the Administration by exploiting a few Volunteers' protests against U.S. foreign policy.

In spite of this, the Peace Corps offers the Administration great potential if the correct steps are taken. I believe we are well on the way toward eliminating public protests and changing the type of Volunteers who go overseas. This Administration can have a real and lasting impact only on the new people going overseas. Some 4,000 Volunteers will be sent this summer and in little more than a year from now, all Volunteers overseas will have been selected during this Administration. They will have better screening, training, and guidance. Most important, they will be people with more experience, skills and maturity -- the best kinds of Volunteers to represent America abroad while meeting the needs of developing countries.]

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Obstacles to Reform: Nobody Covers the House

Speaker McCormack

Wide World Photos

by Michael Green

Behind the closed, guarded doors leading to the House chamber one Wednesday morning several months ago, a dramatic and unexpected confrontation took place. Occurring at what was to have been just another routine monthly meeting of the House Democratic caucus, a customarily tepid conclave which normally fails to summon the interest of the Congressmen themselves, the confrontation totally bypassed the press. Even had the doors not been closed, reporters most likely would have shown scant interest. Conversely, had they been interested, the closed doors would have been no bar to their extracting ample accounts of developments inside.

But that morning, events unfolded in a public vacuum. Not only were they dramatic, they were politically significant—a first early signal of the determined, open rebellion by a few House reformers that was to break out two months later in defiance of the institution's customs and leaders. The issues raised were important to the country. The frustration and anger voiced against the House establishment revealed a sudden new boldness, not quite like the kind of militancy in evidence before, pushing

Michael Green covers Congress for a west coast chain of newspapers.

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back the boundaries of political civility in the chamber which in the past had always marked the acceptable outer limits to demands for change by young reformers.

Even without such hints of significance, the confrontation was in itself newsworthy. Out of the sea of anonymity which engulfs most Congressmen most of the time, and nearly all junior Congressmen nearly all of the time, an obscure, previously conservative and well-behaved, two-term Congressman from California named Jerome R. Waldie stepped forward and was recognized. For the next few amazing moments, he gave 78-year-old Speaker John W. McCormack a dressing down to his face, in front of his assembled colleagues, that was without contemporary precedent and shocked all in attendance.

The charge was "a dismal lack of leadership." The tone, though sternly polite and dignified, was unmistakably personal. The immediate criticism centered on the Speaker's attitude toward Administration policy on Vietnam, but went beyond it to question the performance of all in the House leadership and the antiquated procedures that had made the House seem as obsolete in the last third of the 20th century as any institution in society.

Rep. Waldie

Rep. Udall

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Predictably, the reaction by McCormack and by those faithful party regulars who habitually attend him was one of outrage. The reaction of the public was non-existent. For good reason: not a line appeared in the nation's press the following morning. Nor on the television screen that evening. Nor anywhere the day after, nor the day after that, save for one afternoon daily clear across the country, which buried the story on an inside page at the bottom in one of the back sections.

Nearly a week passed before Congressional reporters finally stumbled across the story by accident. Even at that late date, the confrontation was considered significant enough to rate as news, and Washington papers carried several accounts. But the story might just as easily have never appeared.

Ordinarily, the failure of the press to discover and report this solitary incident when it occurred might be dismissed as an understandable omission, given the multitude of events that compete for a reporter's attention and energy and all the judgments which must be made at various levels as to the value of an event as news.

But an examination of the position now occupied by the House in the political life of the country, in relation to public awareness of it and concern over it, and specifically to the need for reform, suggests a chronic failure by the press that goes far deeper than any single oversight. It extends to the coverage of all kinds of activities in the House, whether related to reform or otherwise, with serious implications for the future of the democratic process itself.

At a recent press conference, Representative Allard K. Lowenstein (D-N.Y.) warned that if the House were to become any more ignored than it was already, it would become as obsolete as the House of Lords and the country would simply evolve into government by Presidential decree.

If the public is without alarm, perhaps it is because Lowenstein's words went virtually unreported, as had Waldie's confrontation with the Speaker. And even had his warning been heard, could it be said the press had so prepared the public that it might have understood the meaning of his words?

The disturbing truth is that the increasing irrelevance of the House in American life is attributable at least in some proportion to the degree to which its activities and people remain a mystery to the public, and that the hope for urgently needed reforms is doomed in large part by this same public ignorance. The current state of general House coverage by the press is a key ingredient in the despair Congressional reformers feel over their chances for success in the uphill battle they face. At least some of them, though not impolitic enough to say so publicly, now see the issue of reform in the House as being inseparably intertwined with the need for change in the coverage the press gives to Congress. Without changes in press coverage, they hold out little hope for the kind of public pressure which alone might drag the institution into the modern world.

The larger casualty of the present state of affairs is the political process itself. At a time when the system is beset on all sides by accusations of unresponsiveness, often made in violence, the elected representatives supposedly closest to the people are among the least known officials in Washington, and the institution that in theory most directly links the people to government is furthest removed from their eyes and comprehension. Is it any wonder, in words Waldie used to challenge the Speaker, that "no one really looks to the House or its leadership as an authority or as a hope in this trying period for our country"?

Examples of the great Congressional coverage gap extend to a disturbing array of issues and events. The conclusions to be drawn can only be disheartening.

The press has failed to keep the public abreast of even the basic developments related to the reform effort.

For the past year, a subcommittee of

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the House Rules Committee considered legislation to modernize some of the antiquated House procedures. Its work went virtually unreported. Without the stimulus of public pressure, the subcommittee soon abandoned all substantive proposals for reform. It decided not to deal with the questions raised by the seniority system, lobbying practices, conflict-of-interest, secret committee meetings, unrecorded votes, and similar basic issues. It is doubtful many in the country even knew the subcommittee existed or that legislation was being drafted. Certainly, few constituents knew how their own Congressmen stood on these issues in testifying before the subcommittee. By the time legislation was actually drafted, the determination of reformers to add meaningful amendments on the floor existed without the benefit of public comprehension and support. Coverage by the press was too minimal to have any effect.

The press has failed to show the real forces at work and to chronicle the shifting alliances for and against change.

The champions of House reform in prior years have looked curiously pale of late. When Waldie followed up his initial confrontation with the Speaker with a challenge at a subsequent caucus, in the form of a "no confidence" resolution against the House leadership, the old reformers shunned him. Similarly, when the once-militant Democratic Study Group offered a mild resolution calling only for a study of the seniority system even that move was thought too bold by many of the older champions. Rep. Morris K. Udall (D-Ariz.), who challenged McCormack for the speakership only a year ago, suggested privately it was not the right time to make waves. He hopes to bid for the speakership again next year. The aging, autocratic committee chairmen found unexpected allies in their moves to prevent the reorganization bill from ever reaching the floor, even with its watered-down and largely meaningless proposals. Such old-time labor liberals as Representatives James G. O'Hara (D-Mich.) and Frank Thompson (D-N.J.) shifted uncomfortably at the thought of the rules subcommittee bill emerging. Their exaggerated fear was a possible move on the floor to split the House Labor and Education Committee and pack the new labor panel with anti-union conservatives, a move few thought was really in the works or would have a serious possibility of success, anyway. Conservatives, in turn, feared liberal amendments from the floor aimed at introducing meaningful House reform.

The strange posturing and maneuvering by the reformers of old was disturbing, but, thanks to the press, their reputations as champions of change have remained untarnished. Their fearful whispering not to "make waves" stayed a private affair. Their evolution within the system they once confronted openly and subsequent replacement by a newer group of young militants standing in the shoes they once wore, went unreported by the press.

The press has failed to pursue its own as well as the public interest.

One of the few real hopes of bringing about eventual reform in the House has centered in efforts to open it up to public scrutiny. Perhaps the single most important proposal considered by the rules subcommittee was to permit live TV coverage of the House and its committees. It was fitting and ironic that the proposal was rejected by the subcommittee in a private session behind closed doors. But the proposal's enemies were not numbered from just among the ranks of the House power structure, which prefers not to have the public view what goes on. The opponents included the writing press.

Samuel J. Archibald, Director of the Washington Freedom of Information Center, run by the University of Missouri School of Journalism, tried in vain to mobilize editors and publishers to support the proposal. He found "no interest at all" among working newsmen in the House Press Gallery, most of whom

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Rep. Adams *Rep. Flood*

strongly opposed it. He found "very minimal interest" on the part of various editorial and publishing associations—"very minimal." The death of the proposal, and the deeper issues involved in its rejection, were virtually ignored by all media, including television news itself.

The press has failed to show the average Congressman as he really is.

The anonymity of those Congressmen opposed to reform, who remain unknown both to the country at large and to their own constituents, is a special aspect of the perennial failure to achieve reform. If a few colorful, entrenched committee chairmen like L. Mendel Rivers (D-S.C.) head of the Armed Services Committee, have received wide publicity, the bulk of anonymous Congressmen who support the antiquated system have not, even in their own districts. They include a wide variety of types, each opposing change for his own reasons. Many do not think of themselves as anti-reform. Rather, they see no need for it, some professing genuine astonishment at the reformers' complaints.

A Democratic colleague of Waldie's from California serves as an example. Rep. John J. McFall, 52, with 14 years in Congress, is one of those honest, amiable, pleasant-faced members whose name and status are always lost on observers in the Congressional gallery, if not to most of his colleagues as well. A "zone whip" for the Democratic leadership, assigned to keep tabs on members in a limited geographical area on important votes, he also heads the party's research activities in the House, though in seniority he still ranks well down the list on the Appropriations Committee. Well-liked by colleagues of all persuasions, he is a part of the comfortable existing order. It was McFall who helped put together McCormack's rebuttal to Waldie's charges.

Sitting back in his office swivel chair recently, head down on his chest, thumbs rotating around each other on his lap, feet spread apart and socks drooping around his ankles, McFall expressed honest puzzlement over the reformers' complaints. "I really don't understand what they're talking about," he said. "I really don't understand. I really don't."

That, say the reformers, is no small part of the problem. But it is not one likely to ever be considered in McFall's home district. For the seven terms he has served in Congress, his actions affecting the lives of all in the country, no newspaper in his district or outside of it has reported, either regularly or occasionally, his actual day-in and day-out performance in the midst of Congressional life as it really is. His attitudes, maneuverings, relationships, and thoughts remain unknown to the public. John McFall's socks have never drooped in his hometown paper. In fact, when he very nearly lost his last reelection campaign, it was not because he had displeased his constituents but because, a post-election survey showed, so many of them didn't remember quite who he was. So it is, to a greater or lesser extent, with most members of Congress; they are known to editors and readers back home only by their press handouts and occasional visits. Who they really are and what they

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really do over a period of 14 years is not "news."

The press imposes its own self-censorship.

At a recent press conference crowded with reporters, Speaker McCormack, third in line for succession to the Presidency, blew his top. Turning on a reporter who had written a matter-of-fact, even sympathetic account of McCormack's years in Congress and current troubles, the Speaker denounced the newsman as "a goddamned sonofabitch." The reporters seemed stunned. None was sufficiently stunned, however, to write anything about the outburst. No one seemed sure exactly why, except perhaps that McCormack is an old man, given to frequent outbursts these days over both real and imagined slights, and it did not seem the tasteful thing to do.

All the foregoing provides only glimpses of the deeper and more basic problem, which is that the average Congressman lives and works today far from the beaten path of press coverage; and the abuses of the system he either fights or engages in, and the failure of the system in dozens of its intricate parts, are far removed from the attention of the public and any possible response from it. Because the press never shows the system and its participants to the public, pleas for reform can only fall on confused ears, producing hesitation and uncertainty in place of loud demands for action. In a recent interview, Allard Lowenstein asked incredulously: "Do you know that we were not allowed to have a roll call vote on whether to deploy the ABM? And that on the Vietnam resolution the President wanted passed because it was vital to his plan for peace, there were no hearings, and discussion was limited to four hours—which averages out to 30 seconds a member—and there was no way to introduce amendments? And we've voted on amendments to bills that appropriate billions of dollars without having the amendments *explained*, let alone discussed?

"If only the country understood what goes on! But the whole procedure is designed to make that impossible."

It is clear the country does not know what goes on and that the system does make it impossible. It is also true that for all practical purposes, the press is a part of that system.

The relative absence of Congressional coverage today has many causes. In part, it reflects the low esteem to which the House itself has fallen in relation to the Senate and to the other branches of government, with a corresponding reduction in its news priority. The secrecy of the House, which bars reporters from committee sessions where billions of dollars are allocated, plays a major role, as does the sheer bulk of the institution.

Yet, it can be argued that the House is now the last, best hope of democracy as a participatory process, and therefore the most important institution of all—important as both a cause and potential remedy of the feeling of political impotence which afflicts the American body politic.

But the Congressional press corps is poorly equipped to serve as a bridge for bringing the House into the arena of modern life. The fault is both physical and attitudinal, resting more with press management than with the reporters assigned to Washington, most of whom function at a high level of competence within the restricted news spheres.

In physical terms, most medium-sized dailies in the country either maintain ludicrously understaffed bureaus or, most often, no bureau at all to cover local Congressmen on the Hill. They rely on wire copy. Here the deficiency in coverage is most obvious. For by the nature of a wire service reporter's preoccupation with the major news event of the moment, there is neither the opportunity nor the inclination to be concerned with the average Congressman. All the dailies back home receive is mimeographed press releases from the

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Congressman's own Washington office.

The result is a yawning gap in coverage more serious than is generally known. The fact, for example, that not a single major newspaper in the San Francisco-Oakland area, with its millions of people, maintains a Washington bureau is regarded as something of a scandal among Hill reporters themselves. Even when a paper maintains a bureau, however, the appearance is likely to be deceiving.

One California newspaper chain maintains a two-man bureau. But the two reporters are assigned to cover a total of nine Congressmen, two Senators, the Departments of Interior, Agriculture, HEW, and HUD, and occasionally the White House. Quite obviously, there is no time to do the job that needs doing. Another newspaper chain, based in Michigan, has one man to cover eight Senators and countless Congressmen for newspapers in four states spreading as far west as Oregon. The story is the same.

Even where a major newspaper or news service maintains a large bureau, the average voter may find it no easier to discover what his Congressman is doing and what he is really like. *The Los Angeles Times* has nearly two dozen reporters in town. But an esoteric publishing philosophy which stresses the more occult and ivory-tower dimensions of major stories leaves local Congressmen and their maneuverings as dimly reported as ever and the House as mysterious.

The attitude of publishers and news editors back home is primarily responsible for the failure of coverage in Washington. They have a highly ritualistic view of governmental coverage which holds unquestioned sway year after year and in its own way is as unresponsive to the times and as impervious to change as other hardened institutions of society, including the House itself.

What is generally omitted from coverage of Congress, almost alone of the categories of people and events with which a newspaper regularly deals, is journalism that might portray Congressional life so as to engage public interest. The human face of Congressmen and their aides, in all the day-to-day expressions of their small human foibles and unreported triumphs, mirror the forces at work in the population as a whole. They color the story and, in so doing, reveal it. But the public is not allowed to know this story. Readers are told only in dry, clipped accounts the numerical fate of legislation. They are shown the final score, seldom the action itself. The smells and faces and humanity of the players is lost to them and with it the opportunity for interest. The daily weather report is more interesting to the public and seemingly has more demonstrable relationship to their lives.

Journalistic tradition holds certain kinds of writing appropriate only to certain categories of coverage. Thus, there is business writing and sports writing, governmental coverage and garden columns, and the one is not to be confused with the other. Red Smith belongs on the sports pages. No one wonders what magic interest might be aroused in the public if he suddenly began covering Congress and appeared on the front pages. By the same token, if the present style of government reporting were extended to the coverage of sports events, the American people would lose interest in sports overnight. If Broadway Joe Namath's socks are seen to droop, millions of Americans via the press will hang on the unravelling threads. But for their news about government, the American people must suffer the dullest, driest, and most dehumanized accounts being published in the English language. Perhaps, as will be argued, the average Congressman is just not all that interesting or glamorous. But certainly there must be potential in someone like Dapper Dan Flood (D-Pa.), the Shakespearean actor-turned-Congressman, with his twirled villain's mustache, dark glasses, Gaylord Ravenal voice, and white buck shoes, who controls billions of dollars in appropriations every year. Unfortunately, there appear to be no Damon Runyons now assigned to the

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Congressional press corps who might be equal to him. It is doubtful anyway that a distant editor trained to the present type of coverage could be persuaded by his reporters that Dan Flood actually exists.

The tradition of journalistic drabness in governmental coverage is not very old. It was not so long ago that William Allen White could report from the thick of political action or H.L. Mencken could freely dismiss a Congressman as a "boob" in his coverage. When Mark Twain was covering Congress for a time in the last century, one account began, "Dear Reader: Suppose that you were a Congressman. And suppose that you were a thief. But I repeat myself." Well, they don't write like that anymore.

It is high time that we started writing about the House as it is. What happens in Congress is a deadly if silent war within our political boundaries; we need more Ernie Pyles to cover it by living, eating, and getting shot at alongside the political troops while writing about combat conditions. Perhaps the confusion and puzzlement the average citizen now feels might be replaced by comprehension and involvement. At least government would have a face. The electorate would need not seek after strange devils to explain the mysterious coming of political winds. The process, by being human, would become rational, and even to lost souls in forgotten cities all things might seem possible within the system as it was meant to be.

If the possibility or even certainty exists of abuse by politically motivated reporters in providing this kind of intimate coverage, one also needs to ask the price of public apathy and Congressional unresponsiveness. It may still be easier to balance subjective coverage between reporters of different political hues than to rebuild Detroit.

In the current state of governmental coverage, the public has long since given up trying to understand elected behavior. Voters in a district, of course, may always hold their own Congressman accountable. But perhaps he has publicly supported the legislation they favor, as a majority of his colleagues may have, and yet it has died in the murkiness of some closed committee room—if he was in that room, his constituents need never know how he voted. It should be of little wonder that the system breeds despair and that the average citizen feels politically impotent.

It would not be accurate to say the press has failed utterly to communicate the need for change. The public has a general awareness by now, due to constant repetition over the years, that a seniority system that places aging, Southern autocrats in charge of powerful committees somehow works to the disadvantage of the country as a whole. It grasps, as well, the issue involved in the continued rule or non-rule of McCormack, third in line at age 78 for succession to the Presidency. The symbol here is powerfully visual. Particularly when McCormack sits behind the President at televised State of the Union messages, the gaunt visage of a man who has simply become too old for the job he holds conveys an unmistakable conclusion.

But the crisis of the House requires more than vague public uneasiness in order to be resolved. It requires intimate public knowledge, day by day, of the deeper evils of the system as it functions on a primary level and of the manner in which those evils are worked. This, in turn, requires a scope and depth and humanity of coverage on a continuing basis that so far shows no signs of appearing.

It requires, in the end, an urgent understanding by citizens that they alone have the power to force the institution to become responsive, not only in terms of the great social problems facing the country, but, first, in reshaping its own procedures to meet those problems. Somehow, it has not occurred to constituents who make their voices heard in Congress on a myriad of issues from crime to taxes that they have the power to influence the House toward

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its own reform. Somehow, it has escaped their notice that the way the House conducts its affairs is as much their business as any other issue and has great long-range impact on their lives. This is the real failure of the press.

What is required for public understanding is that coverage honor the truism set forth by Honoré de Balzac when he observed: "Men are so made that they can resist sound argument, and yet yield to a glance."

It should be the daily job of the press to record not only the bills that are moved and the votes that are cast but the glances that are exchanged and the human motivations that are behind them. Only then will the art of governmental reporting imitate life as it is with all its potential for change. ■

The Machine Democrats

by Norman C. Miller

At five minutes before noon every working day, a peculiar ritual takes place in the Capitol. A half-dozen or more reporters are admitted to the ornate office of Speaker John McCormack. The newsmen rarely have anything meaningful to ask the Speaker, and the 78-year-old Bostonian almost never has anything noteworthy to say. When the desultory banter is interrupted by an occasional question of substance, a McCormack aide usually rescues the Speaker from the necessity of answering. "It's time, Mr. Speaker," he sings out, signaling the end of the press conference. Then House Doorkeeper William (Fishbait) Miller steps up to brush the dandruff off the white-haired Speaker's lean shoulders, before escorting him across the hall to convene the House precisely at noon.

On the floor, McCormack can easily find old cronies to join in reminiscing about old New Deal days. Philip Philbin and Harold Donohue of Massachusetts are always on hand, nodding side by side in seats directly in front of the Speaker's rostrum. Back in the cloakrooms, Baltimore's trio of inept committee chairmen—Edward Garmatz, George Fallon, and Samuel Friedel—are generally ready to while away an afternoon. On warm spring days, amiable William Barrett of Philadelphia, chairman of the important housing subcommittee, may be found sunning himself on the balcony off the House lobby. Another Congressional veteran, jovial John Kluczynski of Chicago, will surely have time for a chat, unless he's running an errand for tough-talking Dan Rostenkowski, Mayor Daley's Congressman in charge of the machine's House delegation. McCormack and the other elders are certain to give a respectful greeting if the 42-year-old Rostenkowski happens by. His appointment as chairman of the party caucus testifies to the young Daley deputy's preeminence among machine-type Northern Democrats. And at all costs, McCormack and his cronies avoid offending anyone with influence on the faceless collection of organization men who account for fully a third of the House's 245-man Democratic membership.

The machine-type Democrats hold the balance of power in the struggle currently shaking the party in the House. Pitting the party's liberals against the Southern conservatives entrenched in

Norman C. Miller covers the House of Representatives for The Wall Street Journal.

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committee power positions, the battle is being waged on two related fronts. One involves control of the Speakership. The other centers on the sacred seniority system which allots enormous power to the Southerners whose one-party districts give them lifetime tenure. The simultaneous campaigns to depose McCormack and change the seniority system won't climax until a new Congress is organized next January, when election of leaders and adoption of rules will be the first order of business. But the outcome will depend greatly on maneuvering that's now underway.

The insurgents' essential problem is to blast the Northern machine-types out of their cozy organizational alliance with the Southerners. This will be extremely difficult because the Northern hacks, just as much as the Dixie conservatives, have a vital stake in the status quo. The inflexible seniority custom keeps in power the inept Northerner as well as the anti-party Southerner. Moreover, a weak Speaker leaves the committee satraps free to do as they please. Among House chairmen, the Southern conservatives attract the most public attention because of their strong-willed control of important committees. Everyone who follows politics knows that Wilbur Mills of Ways and Means, Mendel Rivers of Armed Services, and George Mahon of Appropriations rank among the most powerful men in Washington. Less discussed are the Northern chairmen who have allowed other committees to atrophy. But their do-nothing attitude also is a heavy influence in the House.

One reason that the House seems incredibly insensitive to the war is that the Foreign Affairs Committee, under the indifferent leadership of Thomas Morgan of Pennsylvania, has ignored for five years the repeated requests of junior members for public hearings on Vietnam. Similarly, the "watchdog" Government Operations Committee has virtually ceased to function, let alone watch anything, under 83-year-old William Dawson of Chicago, who's finally retiring this year. The Post Office Committee has managed to snarl important postal-reform legislation for a year under the clumsy direction of Buffalo's tongue-tied Thaddeus Dulski, who was heard to grumble during the postal strike that the Administration "don't confront with me about nothin'."

The House harbors many more machine-type Democrats like Dulski, Dawson, and Morgan. The organization Democrats have largely escaped notice because, until recently, liberal opinion judged Congressmen only by their voting records. On this score, most of the organization men were in an unassailable position: year after year they won "liberal" ratings of up to 100 per cent from Americans for Democratic Action. Yet, in terms of "democratic action," they produced little or nothing. By voting right, they satisfied liberal opinion at home; by doing nothing effective, they satisfied their Southern allies in the House.

Their behavior in the House grew naturally out of their political background. The typical organization Democrat—John McCormack himself is the best example—is the product of a one-party, machine-controlled, urban district. He came up in politics through fidelity to the organization; issues did not matter in his rise, nor in his possible fall, for it was the organization, not the opposition party, that could oust him from his comfortable seat. He found a home in the House, which as an institution—well geared for distributing favors to the faithful, unconcerned with social policy—resembles nothing so much as the city machine that sent him to Washington.

Now, however, that comfortable existence is threatened from two directions. Back home, the old machine has fallen apart, with a few exceptions like Daley's Chicago, and many of the organization men are being challenged by middle-class reformers within their own party. For example, two of Baltimore's three committee chairmen, Fallon and Friedel, are facing strong primary opposition, and Leonard Farbstein of Manhattan,

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after narrow victories in the last two elections, is up against another reformer in this month's primary. To a greater or lesser degree, the primary challenges to the machine Democrats are also challenges to their loyalty to the House as it now functions. Within the House itself, of course, the challenge comes from the new reformers who—as Gerald Pomper pointed out in this magazine last month—are typically from suburban districts where organizational loyalties are less important than issues.

Central to the reformers' strategy is an effort to mobilize grass-roots groups to pressure House Democratic incumbents and hopefuls to pledge they'll back reform. The crucial issue is reform of the seniority system which shields the entrenched hacks and Southerners from the public. The effort to build up pressure is already in progress. For example, liberal activists in the New Democratic Coalition from several states were urged at a recent Chicago meeting to exact reform pledges from House candidates as a condition of giving them support. "Put them on the spot in meetings, primaries, the press, any way you can," urged Richard Conlon, staff director of the Democratic Study Group. The more militant reformers are even ready to abandon party loyalty if the leadership refuses reform. Nineteen junior House Democrats said they might try to throw control of the House to the Republicans if the seniority issue was shelved until January. The group's leaders—Representatives Allard Lowenstein of New York, Jerome Waldie and Thomas Rees of California, and Brock Adams of Washington state—said the dissidents might vote for a Republican as Speaker. Or, said the group's spokesmen, the rebels might nominate a reform candidate for Speaker or simply abstain from voting. In any case, such action could conceivably give Republicans control of the House.

The liberal rebels' public pressure on the organization Democrats is matched by counter-pressure from the conservative side, less open but no less serious. Any significant change in the seniority system would be bound to weaken Southern power. Thus, just as some liberals threaten to bolt if reforms aren't made, some Dixie conservatives warn privately that they might jump to the Republican side if the seniority system is altered by the Democrats. Indeed, a bolt by conservatives is perhaps more likely than desertion of the party by liberals. If the Republicans come close to gaining control of the House, say within 10 seats or so, a number of Southern Democrats would be strongly tempted to join the GOP in organizing the House. Such a move toward formal coalition could occur in the House even if seniority isn't changed by the Democrats. But a significant change certainly would increase chances of a Southern bolt.

The spectacle of frustrated Democrats threatening to throw themselves out of power has delighted the House Republicans. While privately encouraging Southern Democrats to consider switching, the GOP also has moved rapidly to exploit the reform issue. House Republican leader Gerald Ford has appointed a group to examine whether the party should change its adherence to the seniority custom. There is a strong probability that the group, under third-termer Barber Conable of New York, will recommend a departure from strict seniority. Conable, a leader among younger House Republicans, suggests such possibilities as having Republican members of each committee elect the ranking member, or the chairman if the party takes control of the House. Conable promises the group will make its recommendations before Congress adjourns for the election campaign. Republican elders may well resist any proposals for change, but, on the whole, their party is more inclined toward reform than are the Democrats. The reason is basic: almost half the Republican members have served three terms or less and thus have not acquired a vested interest in seniority. "We had a lot of deadwood

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Rep. Rostenkowski

Rep. Kluczynski *Rep. Philbin*

pruned out in the 1964 Goldwater debacle," says Conable. "And we don't have the hang-ups the Democrats have in considering change, because we don't have to worry about offending a region [the South] as they do."

* * *

Hardly anyone thinks the House Democrats would simply junk the seniority system, even if they dump McCormack as Speaker. Many who are urging change would oppose giving the Speaker—even a new one—the potentially dictatorial power of naming committee chairmen. Nor do they want to risk chaotic electioneering by throwing the chairmanships up for grabs. The thrust of all the major reform proposals is to give the party caucus effective power over the committees, regardless of the method of selecting chairmen. Indeed, some leading liberals would be willing to settle for continuation of the seniority custom if the caucus adopted a policy clearly stating the obligation of chairmen to be "responsive" to the party majority. The implicit threat of removal of unresponsive chairmen by the caucus would be calculated to make them toe the line. In this way, says James O'Hara of Michigan, "it might be possible to eliminate the vices of the seniority system without eliminating the system." Given the ingenuity of politicians, it may well be possible for the Democrats to revamp their power structure in a way that allows all concerned to save face. And new party leadership may also be elected without a bloodletting fight. But such changes would not necessarily guarantee productive results. The real test for the Democrats is their ability to take action to revitalize the House. They have only themselves to blame for the deterioration of the institution. It remains to be seen whether they can rouse themselves to rebuild it. And that depends in large measure on whether the grey organization men can be driven to act against the values that have guided their political lives. ■

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Memo of the Month

THE EARLIEST POSSIBLE MOMENT

TO Mr. J.P. Lynes, Director
St. Louis City Welfare Office

FROM Curtis Bybee, Chief
Bureau of Finance

SUBJECT Supplemental Payroll Checks

DATE Oct. 3 1969

We have made a careful examination of our procedures in order to place the supplemental checks in the hands of employees at the earliest possible moment; we find that we cannot set a definite date as to when they will receive the checks, but it will be around the 21st day of the subsequent month.

The time allotment for procedures must be as follows:

3 work days---to St. Louis City for preparing time sheets and mailing to Jefferson City.
2 work days---Division of Welfare personnel
1 work day---Bureau of Finance audit
1 work day--Key Punch section
1 work day---Tabulating Section for preparation of checks
3 work days---Missouri Comptroller
1 work day---Missouri State Treasurer
2 work days---Missouri Personnel Department (Merit Office)
1 work day---Mail to St. Louis
7 days for weekends and holidays

This totals 22 calendar days. Occasionally we are able to secure the payrolls back from the Merit Office on the afternoon of the second day in time to start processing in the Comptroller's Office thus allowing us to pick up one day, in which case we are able to get the checks in the hands of the payee on the 21st day of the month.

We recognize that much time is consumed in handling these routine operations; however, all of above procedures are necessary if we are to conform to State laws.

cc: Mr. Folk
Mr. Schubert

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The Culture of Bureaucracy: Mores of Protest

by Peter Gall

The actions engaged in this winter by nearly 2,000 employees of the Department of Health, Education, and Welfare to protest the dismissal of Leon Panetta, Director of HEW's Office for Civil Rights, were, as protest actions go these days, pretty mild. No protester called the Secretary a pig, or broke a window, or poured ox blood on an official document, or, for that matter, stayed away from work sick for a day or even an hour. No policeman, much less a National Guardsman, got called in or needed to be.

No banner headlines reported what we 2,000 did. Indeed it made few front pages, which is scarcely astonishing in view of what we did: five members of the OCR staff (including me) resigned; 125 members of the OCR staff wrote a letter of remonstrance to the President and made the text of it public; 1,800 members of the staffs of various of the Department's offices signed a memorandum to Secretary Finch ("Subject: Bring Us Together") asking for a full departmental staff meeting at which the Secretary would explain his view of HEW's civil-rights policy in the light of Panetta's removal. Yet, tame as it was, our protest may have been more significant than many a far more sensational event. For one thing, we were professional and clerical employees of a government department, traditionally the most "loyal," not to say timid and docile, class of employees in America. For another thing, we were not protesting our wages or our working conditions or anything that even remotely touched the daily lives of more than a handful of us, but an action that gave us moral offense, that we believed compromised an important program to which we were dedicated. In short, hundreds of government employees publicly expressed dissatisfaction with their employer's policy in a conspicuous and controversial field: school desegregation. It was not a kind of thing that had been done many times before, nor was it done without considerable agonizing by most of us who did it.

Of course, Panetta's "resignation"—which was announced simultaneously to the public and to him on February 17—could not of itself have set off the protest. As seen by us in OCR, the dismissal was simply the climax of a series of attacks by the Administration on "the program," a phrase we used to characterize school desegregation, one part of the general goal of desegregation authorized by Title VI of the Civil Rights Act of 1964. The gist of Title VI is that the federal government may not subsidize discrimination on grounds of race, color, or national origin; under this prohibition, HEW's responsibility, exercised by OCR, is to see to it that schools, hos-

Peter Gall, a former newspaperman, is writing a book with Leon Panetta about civil rights in the Nixon Administration, to be published by J.B. Lippincott.

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"It was not the kind of thing that had been done many times before . . . ."

pitals, nursing homes, welfare agencies, and universities that receive subsidies from the Department or enter into contracts with it do not discriminate, under penalty of not receiving federal funds. Only 106 of the 278 members of OCR's staff deal with the schools, and only 48 of those with the Southern schools. However, the Southern school program is the one that has caught the attention and whipped up the emotions of both the public and the politicians. It has been rather successful. In 1964, before the Act went into effect, about two per cent of the black children in the 11 Southern states went to desegregated schools. In 1968, almost entirely because of the threat of withholding funds, that percentage had risen to 20; by mid-1969, for which no precise figures are yet available, it may have been as high as 40.

From almost its first month, the Nixon Administration began to nibble away at our program. First, the desegregation guidelines were weakened in a joint HEW-Justice statement drafted primarily at the White House. Then several school districts got favored treatment that violated all the standards that had been maintained until then. Then Secretary Finch sent a letter to the Fifth Circuit Court of Appeals, asking for a delay for 30 Mississippi school districts, in what then appeared to be (and was later held to be) direct conflict with rulings of the Supreme Court. Finally, the Administration adopted the code words "bussing" and "neighborhood schools" as the definition of what school desegregation was all about, abandoning the contention of the Supreme Court, Congress, and the previous Administration, that the issue was equal educational opportunity under a very explicit law. It was no wonder that Panetta's removal precipitated a crisis in OCR.

It is that crisis, or more accurately the protest it evoked, that I am about to describe, but before I do I want to acknowledge that there will be a built-in bias in my description. Leon Panetta is an old friend and colleague of mine. We served together on the staff of California's moderate Republican Senator, Thomas H. Kuchel, himself a civil-rights advocate, who was defeated in the 1968 primary by conservative Max Rafferty. Last May, a little more than a year ago, Leon asked me to come to OCR as one of his special assistants to handle, among other things, press relations. I arrived, somewhat uncomfortably, as a Republican appointee in the middle of a holdover Democratic staff, devoted to a holdover Democratic program. Nine months later I found myself comfortably joining voices with those Democrats to protest politically motivated attacks on that Democratic program.

My own involvement in the protest began on Thursday, February 20, three days after Leon was fired, when Paul Rilling, OCR's regional director in Atlanta, walked into my office, sat down, and demanded, "Well, what are we going to do about it?" I suddenly realized that I had taken little time in the last three days to think of the consequences of Leon's dismissal or how I would react to it. At the close of the Tuesday press conference, at which Panetta's firing was announced, I had told Bob Gruenberg of the *Chicago Daily News* that I saw "no way" that I could stay as a spokesman for the Office for Civil Rights in the light of what had happened. I had been towed away by a well-meaning office friend who whispered that "nobody needs to fire himself in the press like that—think it

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". . . Nor was it done without considerable agonizing by most of us who did it."

over." So I had deferred hard thinking for 48 hours.

Rilling was one of eight regional civil-rights directors, a man holding, but not enjoying, a job as a GS-15, making $26,000 a year. He had more cause than most to brood about it all. He is a 47-year-old adoptive Southerner who had been a teacher, a newspaper man, and a civil-rights worker before former Secretary John Gardner appointed him to OCR. He had opened the Atlanta office in 1967, and since then it had been a stronghold of the drive to eliminate dual school systems. Several political attempts to remove him as "over-eager" had been made, but with Panetta's help he had survived them. However, he had been thinking a lot about quitting since the previous summer when he had confided to me in his office that, while Leon was fighting enough, "I'm just worried he isn't winning enough." Now Paul sat there employed, while Leon was out.

I told Paul that I was likely to quit, but had not planned how I would do it or when. He said he was definitely going to go, and thought he would make an issue of it. He asked if we might consider coordinating our efforts. I said we certainly might.

But Paul, along with some of those who would be left behind, wanted to see something more done. Consequently, six like-minded OCR people had lunch the next day, Friday. They were hardly grass-roots types—four GS-15's ($22,000 a year and up), a GS-14, and a GS-12. They were all white, but most had close ties to the black staff. All were totally committed to the goals of the office and they shared a feeling that an injustice had been done. They considered, and rejected, a number of styles of protest, including an outright strike. "Frankly, we knew the fear of getting fired would reduce participation to almost nothing, since so many just aren't young any more and have mortgages and children," said one of the group. She added that mass resignation also was "out of the question." Two gestures finally were found acceptable: a letter to the President expressing strong feelings over Panetta's ouster and the lack of civil-rights policy generally, and the selection of a common day of leave without pay "for personal reasons." Without being a strike, that would still convey sacrifice (no pay) and rebellion. Someone in the group had even thought ahead to news photographers' recording the empty offices and halls.

I did not participate in the luncheon, nor, except in the most passive and counseling way, in any of the protest planning by the civil-service staff. As a political appointee, I thought that it was better for me to follow my own course and resign with a shout, and not be in the position to risk taking anyone else down with me. On the other hand, Paul had few qualms about exerting such leadership among professionals in Washington, partly because he felt he had invested enough of himself in the program to be able to rally others, and partly because he felt, as a civil-service, nonpolitical career man in government, that he had a right to call on others to make a gesture.

The next step on Friday after the lunch was to test out the sentiment among headquarters staff and among the regional directors assembling for a meeting with Panetta (who was serving out a two-week pay period). The employees who would be approached had been doing some thinking of their own along these lines, naturally. The staff was one of the most racially integrated in the federal government, with 147 minority

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group employees, mostly black, and 131 white employees. It was so much better an example of integration than nearly any other federal bureaucracy that it was hard not to be self-conscious and more than a little bit proud of it. Strong friendships across racial lines existed, and bi-racial parties for the Washington staff, while fewer than in the 1966-67 heyday of OCR, were still long and very relaxed affairs, frequently held in rented facilities to accommodate the crowd; the Panetta farewell party, which drew not only dozens of black secretaries, but HEW Under Secretary John Veneman and Assistant Secretary for Health Roger Egeberg, was held at the Officer's Club of Fort McNair an Army post on the banks of the Potomac. The word that came back that Friday afternoon from the OCR rank and file was that some would sign a letter and make other signs of displeasure. They felt so strongly that—although others did not want to sign—it was clear that the project should go on. Leon outlined to them, as he had outlined to the full headquarters staff on Wednesday, what he saw as the limits of civil-rights enforcement in the immediate future—grim in the schools, better in other programs—and he observed that "you are all grown men and women and know what is best for you; I'm not going to try to tell you." He made no suggestion that anyone resign or take any action other than to perform well in his job. Then he took seven of the eight regional directors to meet with Under secretary Veneman, whose message was that the direction in which the office was moving when Leon was there would be continued in his absence, and that the Secretary wanted to get a good man quickly to replace Panetta. The regional directors listened with only one or two sharp questions directed at Veneman. When Panetta left, the regional directors stayed behind and quickly agreed after listening to Paul Rilling that they would participate in some sort of protest. Again, no political appointees like me were at that meeting, although I knew of it.

The regional directors left Washington with the understanding that they would go back to their home offices and relay not only Veneman's message, but the general thrust of the proposed actions over Leon's firing. Before three of them left that weekend, though, they called me at home to express concern that the "day-off" routine might be too negative in tone and could hurt not only the cause but also some employees. I promised to relay their concern and added that in any case it probably would be fair to specifically rule out participation by secretaries in such an act.

Beginning the following Monday, February 23, the eight days until the letter to the President was sent went by like a blur. Monday a letter was drafted and shown around the office for comments. A regional director called and suggested that instead of the day-off activity, there should be a weekend work-in. "We'll just be doing our thing, man. It will be better public relations and they won't dare to keep us out," he said. This drew a generally favorable response, although some saw it as a cop-out from a stronger confrontation with the Administration.

Tuesday the letter draft was dictated on the phone to regional offices. The letter, which began by telling the President of "our profound dismay" over the circumstances leading to Panetta's dismissal, concluded with two strong paragraphs:

> But the question strikes further than this. It is our conviction that developments in the Nation have progressed to the stage when issues affecting race relations can no longer be subverted in deference to expediency, and that to do so now is to risk everything in terms of bringing Americans together. The recent flow of White House statements, as well as a certain untimely and critical reserve, have served to becloud the school desegregation issue and thus to lend credence to the supposition that the National Government has grown insensitive to the importance of keeping this cause alive. In this context the forced resignation of Mr. Panetta only underscores the bitter dis-

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appointment of those who have worked hard to achieve an end under law to prejudice and discrimination in this country.

We earnestly hope that you may be prevailed upon to exercise the strong moral leadership that we feel is now essential to avoid a reversal of the Nation's long standing commitment to equal opportunity.

This was too strong for some to sign, too weak for others, like the black secretary who wanted to say, "Why don't we just remove you as President?" One regional director offered a counterdraft of his own. But the consensus was to keep this draft and see how many signed it.

Wednesday and Thursday signatures were collected, and there was general agreement that instead of staying out of work a day, those who wished would come in on Saturday, March 14, and put in a full day's work for no pay, as a sign that there should be more done in civil rights, not, as the Administration had signaled, less. This would happen at each regional office and headquarters and would be made known to the press.

All this time there had not really been a leader of the effort. There was, instead, Paul Rilling as the moving force behind the regional directors, and four or five activists in Washington who tried deliberately to keep anyone from being identified as a leader. Bertram Carp, 25, a lawyer from the civil rights division of the Office of General Counsel, who has since resigned, explained, "We felt it would not only protect some whom we did not want to see fired, but it would also make the whole thing a more broad-based gesture." Two of Carp's responsibilities were to check out the legal ramifications of sending a letter and to contact other lawyers in the office to see if they wanted to sign. Seven lawyers signed the letter with him.

On Friday the price to be paid for lack of leadership became apparent. A representative of the San Francisco office who had come to Washington on official business brought 13 signatures with him; he found so much confusion in Washington over the final form and timing of the gesture that he took the signatures back to San Francisco. They never were attached to the letter, so there should have been 138 signatures instead of 125. Also on Friday, other crises broke. I got a phone call from an HEW official who had heard about the letter, asking me to bring a copy over. I declined, explaining that it was not my letter, and although I could obtain a copy, it would be a breach of faith with the employees for me to share it. Later in the day, I was told that the Dallas HEW regional director, Charles Green—a former business executive who was put in charge of southwestern regional HEW affairs because of his Republican political connections—had obtained a copy of the letter from one of our employees in Dallas, had telephoned its contents to Secretary Finch's office, and had fingered a high-ranking career man at OCR as the ringleader. Finally, one more high-ranking caller from HEW's front office told me that the letter or any other action "might hurt the office and could hurt Leon, which none of us want." There was nothing specific, no threat, just a plea for reconsideration. I promised to relay the message.

There was near panic among some of the organizers. The man who had been wrongly identified as the ringleader thought briefly of removing his name, but left it on, "because it is important to the meaning of the letter." I said I did not think that anyone was trying to intimidate us. But meanwhile, back in Dallas, the regional chief was proving me wrong. He not only had received the letter, but had talked threateningly to a senior OCR staff member with a government lawyer present in the room. "It was definitely intimidation, let's just leave it at that," said one of the regional staff. In the end, the Dallas office was the only regional office which intentionally did not have one signature on the letter.

There were numerous worried telephone calls over that last weekend.

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Monday morning, I decided someone had to tell all the Washington staff what was happening, so I asked them to meet with me that afternoon. About 60 showed up. I told them about the calls on Friday and some of the organizers' concerns. We had a count of the number of signatures, the proportion of professional to clerical (60-40), and the racial breakdown (about even). I said I had no role in the plan because I would have a letter of my own the next day, and that I was not trying to influence decisions one way or the other. It was just important to know all of the factors, so everyone could withdraw or add his name as he saw fit. One activist complained that I had made "everything sound pretty scary." If so, he must have been surprised to learn that another six signed the letter after the meeting. It only proved that even in the face of possible strong reaction from the top, some staff were determined to go on record.

At the meeting it was also agreed that those who wished would come in to work on March 14, a Saturday, and that the $125 left over from the collection for Leon's farewell gift would be given to the NAACP Legal and Educational Defense Fund. The latter would be more symbolic than materially helpful but it would show where a lot of the staff were pinning their hopes for the future—it was the Legal Defense Fund that in November had won a Supreme Court reversal of the Administration's request for a delay for 30 Mississippi school districts.

Tuesday, March 3, turned out to be the day that everything happened: Paul and I issued statements of resignation around noon; the front office at HEW said it would announce later in the day a new Director to succeed Panetta, and in consternation the letter group decided they had better get that document down to the White House immediately, with copies to the press, so it would not appear a deliberate slap at the new boss. The result was that the new Director's appointment was buried by the protest story in some papers. However, in other papers, the protests were overshadowed by the appointment, a result not altogether unforeseen by the HEW high brass.

Earlier Paul Rilling and I had exchanged copies of our statements, so that I could distribute his to the press with mine in Washington, and he could return the favor in Atlanta. It was not a step taken lightly by either of us. A month later, we would still be unemployed. But we both had strong reasons for quitting, and we felt those reasons should be stated publicly, in an effort to focus public attention on what we thought were tragic civil-rights policies of the Administration.

In his statement, Paul complained that the Administration's school desegregation posture "has at best been one of vacillation and non-leadership. At worst it has tended to support those seeking delay or abandonment of executive action to end segregated education in the South." He noted that as long as Leon headed OCR, "his obvious commitment to the principles of equal opportunity gave integrity and credibility to the HEW program." But he was gone and the "failure of will" implied in his ouster "may be encouraging another round of massive resistance tactics on the part of Deep South segregationists."

I made public a letter of resignation to Secretary Finch in which I noted the "impossible position of one who believes in the Office for Civil Rights, its deeply committed staff and its legal goals, but who knows he owes his appointment as a Republican spokesman here to an Administration which has steadily and increasingly undermined that office and its director." I added that "I cannot any longer try to justify to the public the actions of this Administration regarding either the subject of civil rights generally, or its treatment of your Office for Civil Rights in particular."

I had alerted several people in the Secretary's office whom I respected that this letter would be made public. The reaction varied, from one official who

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"To hurt a secretary is a bigger sin than to insult the President."

understood why some of us wanted to do this but warned of burning bridges and saying things that would hurt our cause, to another who started by saying that no one would want to hire a man who said nasty things about his employer when he left ("It isn't professional"), and ended by trying to point out the difference between peddling my letter to news media and waiting for them to come to me ("There is a question of ethics if you are using government facilities"). I thanked both of them, but said I had thought it out carefully, and it was all I could do.

Several weeks before Leon was ousted, Carl Flaxman, the regional civil-rights director in Dallas, had quit, citing interference in civil-rights matters on the part of the Administration's new HEW boss in the Southwest. Since March 3, Carp has resigned, mentioning disagreement with Administration civil-rights policies on his resignation form. Gordon Rubin, 29, the education branch chief in San Francisco, and a veteran of the early OCR struggles in the South, left last month. "I was ready to leave because of some of the recent events, anyway, but the topper was Leon being fired," Rubin told me. He had drafted a letter to Leon on February 25, signed by every available member of the San Francisco office, saying Panetta would be remembered warmly "as one who was not afraid to speak the truth."

That makes five resignations as of this date over policy; others are actively seeking other jobs in a market which at present can only be called squishy soft for civil-rights workers.

As for the 1,800-signature petition to Secretary Finch, I know little about its genesis. We in OCR became aware that it was being drafted in the Department at the time we were planning the letter to the President. We stayed away from planning and drafting sessions in order to make sure that the petition's grass-roots origin in the Department could not be questioned, that it could not be dismissed as a put-up job by members of OCR's staff. We first saw it only when it was being circulated for signatures, several days after our own protest had been made. About 40 members of OCR's staff signed it, most—but not all—of them people who had signed the letter too. The most prominent signatories of the petition were Mary E. Switzer, head of the Social and Rehabilitation Service, and Jule M. Sugarman, Director of the Head Start program. Miss Switzer has since retired and Sugarman has left HEW to become the head of the New York City Human Resources Administration. One can only wonder whether these two highly professional and widely respected administrators would have signed such a document if they had not already made arrangements to leave the Department.

So there was the big gesture, a letter, a petition, a few resignations. The weekend work-in never materialized, because of a general feeling that the new director, Stanley Pottinger, should not be hurt before he had a chance to prove himself. The check for $125 was presented in Leon's name to the Legal Defense Fund a week and a half later by Mrs. Verbena Crowley, a black OCR secretary with a child in a Maryland school district that Panetta had said must desegregate or lose federal funds. The letter has not been answered, or for that matter acknowledged, by the President or any member of his staff, although we have learned that Leonard Garment, the White House assistant for minority affairs, drafted an acknow-

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ledgement some time before March 24, when the President issued his big statement on school desegregation. None of us who signed the letter is especially surprised at this silence from 1600 Pennsylvania Avenue. Indeed, a chief reason we decided to flout protocol and make the text of the letter public was that we felt that the only way the President would even become aware of the existence of the letter was through publicity. We had answered too many letters—including those bitterly attacking the retreat on segregation—referred unread by the White House mail room to have any illusion about what the fate of our letter would be. In fact, our standing joke while we were drafting it was that we would probably be asked to answer it ourselves. The petition has done somewhat better. Secretary Finch has promised to meet with all HEW employees to discuss the Department's position on civil rights and school desegregation though, at this writing, he has not yet done so.

In any case, the protests in HEW raise a crucially important—although perhaps ultimately unanswerable—question: What is the correct balance between a bureaucrat's right under the First Amendment to express his views as a citizen and his obligation to follow the policies of his seniors, especially that senior of seniors, the President? Not long ago HEW's Deputy Under Secretary, Frederick V. Malek, a 33-year-old top management expert and a powerful voice in upper-level personnel affairs, framed the orthodox answer to this question in a telephone interview:

> The employee, whether he is civil service or a political appointee, has not only the right but the obligation to make his views known in the most strenuous way possible to his superiors, and through them, to their superiors. He should try like hell to get his view accross and adopted within the organization—but *not* publicly, and only until a decision is reached by those superiors. Once the decision is made, he must do the best he can to live with it and put it into practice. If he finds he cannot do it, then he ought not to stay with the organization.

To stay within these guidelines, Malek says, the OCR staff should have presented their protest to Secretary Finch (as the 1,800 non-OCR petitioners did) and should have done it quietly, avoiding the press (unlike the non-OCR petitioners). Malek says "flatly"—his own word—that because the OCR protest was "spontaneous, philosophical, and was not meant as a damaging act of disloyalty," there will be no reprisals against signers of the letter with respect to promotions or any other sort of personnel action. But he adds that under "other circumstances" such a public protest might well affect the protesters future. Malek's view is of central importance to the HEW staff, of course, but as far as I am concerned, his recommended line of action would have been a waste of everyone's time. To begin with, the OCR staff members probably would have made their protest to Secretary Finch if they had felt that Finch's views were being listened to, or acted upon at the White House. They didn't. They saw the Secretary, rightly or wrongly, as a man who on the whole subscribed to the arguments of Leon Panetta, their representative, but who could not make those arguments heard in turn. Therefore, they cut out both middlemen when one was fired. As for the publicity, as I have already pointed out, there was every reason to believe that the letter would not even have come to the attention of the President if it had been dropped off quietly at the White House mail room.

Beyond that, there are myriad problems over the manner in which a protest is hatched. The most important of these is the question of pressure, one way or another, on the lower-level employees. In my view, to hurt, or expose to injury, a secretary, messenger, or even an $11,000-a-year professional, is a bigger sin for a bureaucrat by far than to insult the President. Extraordinary pains must

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be taken to be sure that participation is not forced from above, even indirectly. In our office some secretaries most emphatically volunteered to participate. And supervisors all say they were as neutral as possible, assuring no reprisal if subordinates did or did not sign. But ideally, supervisors would not have laid the matter out at all. Secretaries would have talked to secretaries, and only lower-grade professionals would have presented the case for action.

Then there is the matter of the use of the taxpayer's time and facilities. One regional OCR staffer felt so strongly against meetings about the protest on government time, that he drafted a letter to the President protesting the protesters. But, while two wrongs do not a right make, there is scarcely an office in government where high-level officials do not use the Xerox machine or the telephone for personal business or have their secretaries type personal letters. So, while a protester must bear the penalty for improper use of government resources if his superiors wish to make an issue of it, the fact is, in this variety of wrongdoing, good and bad examples most often are set at the top.

Whatever the tactics employed or niceties observed, it would not surprise me or many of my friends who work for the government to see more expressions of displeasure, dismay, or outrage over principles issuing from the mouths and government typewriters of the bureaucracy. Partly it is the influence of the young people who have shunned the cop-out of hippiedom, or the corporate goals of financial enrichment, to enter government. Partly, it is the pattern of protest engendered in reaction to the war in Vietnam. But mostly it is that President Nixon appears to many committed workers who entered the government during the reform years of the 1960's to be intent upon retarding, if not completely undoing, some of the progress that had been accepted as a minimum in American life.

That seems to stir an uncommon, non-bureaucratic reaction. ■

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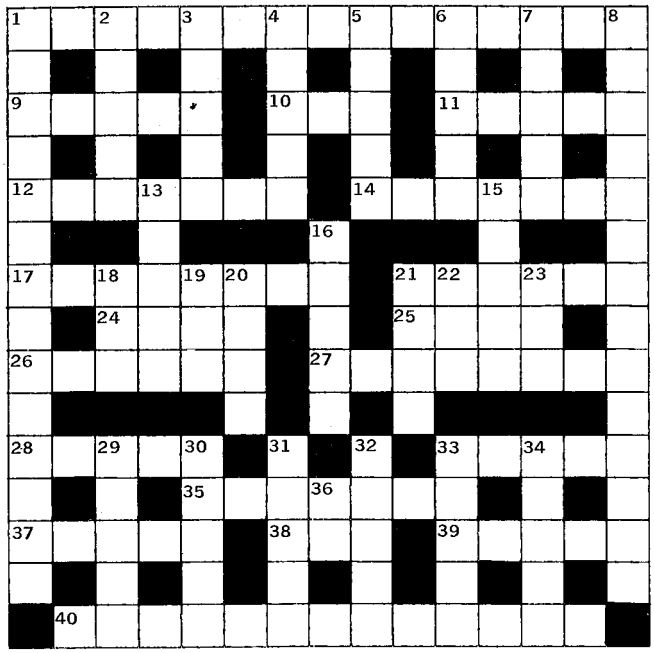
The Political Puzzle

by John Barclay

A word of explanation may be in order for our first puzzle. Puzzles in this form have entertained the English for years. Clues may be anagrams, humorous hints, or just plain devious. With less interlocking than in the usual American puzzle, the emphasis is on the individual definition, but all words will be known to the average Washington Monthly *reader. The numbers indicate the number of letters and words—e.g., (2,3) means a two-letter word followed by a three-letter one. Groups of letters, e.g., USA, are treated as one word. As to further puzzles, we will be guided by comments from our readers.*



Across

1. From Illinois, McKinley appears in the middle. (7,1,7)
9. Scott and 1 down get cracking. (5)
10. A gentleman, a scholar, and a river. (3)
11. He sees through heroes, it is said. (5)
12. Completely defeated by circular reasoning. (7)
14. California town with humble beginning. (7)
17. I'm aching for the lake. (8)
21. It is hard to get this name down pat. (6)
24. A Latin major or minor in astronomy. (4)
25. To face Noel alone is first rate. (1,3)
26. To persevere in face of unbroken duress. (6)
27. A cool lass, but big. (8)
28. Counts for 9 across. (5)
33. A seat when you are lost. (2,3)
35. If there were more than one, we'd have two Senators (and their manager?). (7)
37. Sixty-seven Roman baseball teams. (5)
38. If it goes at all, it will go bam! (3)
39. Miniskirts mean less work for them? (5)
40. The original long-playing record. (13)

Down

1. No one calls Mr. Ned Dandy weak in White House race. (6,1,7)
2. The root of Republican success in N.Y. (5)
3. Relaxed to see ad. (5)
4. A moose, a bear, or 1 down. (5)
5. Material mined up in the country. (5)
6. Got mad at short boulevard in a short highway. (5)
7. Dirty lists. (5)
8. A licit anti-American organization. (8,6)
13. Will she or he run India? (5)
15. Goes against the odds. (5)
16. To 1 across, 1 down, etc., an obligation. (5)
18. Caucused for no cause but rumination. (3)
19. A miser, not me, caught short in Middle East. (3)
20. Gives the Scot a leg to stand on. (4)
21. Even cheaper in Washington? (4)
22. After boo but before doo. (3)
23. The French could go short on Mr. Maddox. (3)
29. Maryland pro is second-rater. (5)
30. Wins $1000 on market change. (5)
31. The least common denominator in an election. (5)
32. It emits the news that fits. (5)
33. O man, I take acid! (5)
34. Sweetheart gets a letter from Greece. (5)
36. A weight for a Texas Jay. (2)

The puzzle answers will appear in the July issue.

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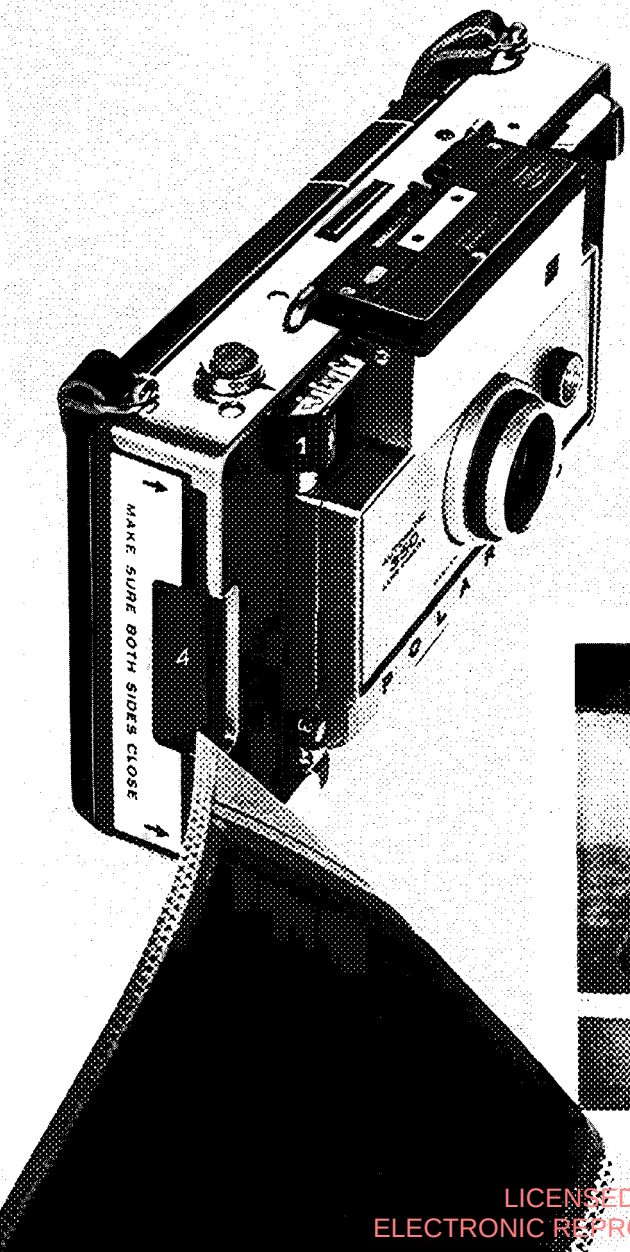

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